

# 2022 SESSION

## HOUSE BILL NO. 29

Offered January 12, 2022

Prefiled December 16, 2021

A BILL to amend and reenact Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 1 of the 2021 Acts of Assembly, Special Session II, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2021, and the thirtieth day of June, 2022; and a BILL to amend and reenact § 58.1-301 and § 58.1-339.8 of the Code of Virginia.

### Patron - Knight

#### Referred to the Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That Items 39, 75, 83, 86, 97, 112, 120, 130, 137, 144, 145, 212, 268, 275, 282, 288, 292, 301, 304, 306, 312, 313, 315, 320, 322, 325, 326, 327, 349, 350, 351, 352, 353, 354, 356, 357, 359, 381, 382, 384, 401, 406, 411, 417, 430, 434, 436, 445, 446, 447, 447.10, 448, 449, 450, 451, 452, 453, 474, 477, 479, 479.20, § 2-0, C-4, C-22, C-22.20, C-66, C-69, C-71, § 3-1.01, § 3-2.03, § 3-5.03, and § 4-14.00 of Chapter 552 of the 2021 Acts of Assembly, Special Session I, as amended by Chapter 2 of the 2022 Acts of Assembly, Special Session II, be hereby amended and reenacted and that the cited chapter be further amended by adding Items C-25.10, C-53.50, C-61.80, C-61.90, C-69.50, C-76.20, and § 3-5.24.

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 Beginning Balance	\$2,874,058,799	\$0	\$2,874,058,799
		\$3,832,170,867	\$6,706,229,666
Additions to Balance	(\$1,278,580,333)	\$29,850,000	(\$1,248,730,333)
		(\$2,606,657,808)	(\$3,885,238,141)
Official Revenue Estimates	\$22,320,832,509	\$22,899,142,814	\$45,219,975,323
		\$25,931,700,000	\$48,252,532,509
Transfer	\$695,527,155	\$682,417,349	\$1,377,944,504
		\$748,625,948	\$1,444,153,103
Total General Fund Resources Available for			
Appropriation	\$24,611,838,130	\$23,611,410,163	\$48,223,248,293
		\$27,905,839,007	\$52,517,677,137

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

	First Year	Second Year	Total
Balance, June 30, 2020	\$6,915,611,972	\$0	\$6,915,611,972
Official Revenue Estimates	\$39,150,326,908	\$40,085,094,957	\$79,235,421,865
		\$52,115,857,435	\$91,266,184,343
Lottery Proceeds Fund	\$708,231,123	-\$690,903,334	\$1,399,134,457

1			\$843,361,811	\$1,551,592,934
2	Internal Service Fund	\$2,127,455,883	\$2,293,917,698	\$4,421,373,581
3	Bond Proceeds	\$2,729,883,162	\$244,775,137	\$2,974,658,299
4	Total Nongeneral Fund Revenues			
5	Available for			
6	Appropriation	\$51,631,509,048	<del>\$43,314,691,126</del>	\$94,946,200,174
7			\$55,497,912,081	\$107,129,421,129
8	TOTAL PROJECTED			
9	REVENUES	\$76,243,347,178	\$66,926,101,289	\$143,169,448,467
10			\$83,403,751,088	\$159,647,098,266

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

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

14 § 6. When used in this act the term:

15 A. "Current biennium" means the period from the first day of July two thousand twenty, through the thirtieth day of June two thousand  
16 twenty-two, inclusive.

17 B. "Previous biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two  
18 thousand twenty, inclusive.

19 C. "Next biennium" means the period from the first day of July two thousand twenty-two, through the thirtieth day of June two  
20 thousand twenty-four, inclusive.

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

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

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

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

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

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

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

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

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

38	<b>BIENNIUM 2020-22</b>			
39	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>Total</b>	
40	OPERATING EXPENSES	\$47,976,459,742	\$90,734,188,991	\$138,710,648,733
41		\$47,900,657,347	\$101,805,266,906	\$149,705,924,253
42	LEGISLATIVE			
43	DEPARTMENT	\$214,240,000	\$8,050,998	\$222,290,998
44	JUDICIAL DEPARTMENT	\$1,072,499,822	\$74,735,744	\$1,147,235,566
45	EXECUTIVE DEPARTMENT	\$46,684,457,578	\$88,539,697,747	<del>\$135,224,155,325</del>
46		\$46,608,655,183	\$99,610,775,662	\$146,219,430,845
47	INDEPENDENT AGENCIES	\$5,262,342	\$2,111,704,502	\$2,116,966,844

1	STATE GRANTS TO			
2	NONSTATE AGENCIES	\$0	\$0	\$0
3	CAPITAL OUTLAY			
4	EXPENSES	<del>-\$238,682,850</del>	<del>\$3,602,113,539</del>	<del>\$3,840,796,389</del>
5		\$450,118,850	\$3,608,260,120	\$4,058,378,970
6	TOTAL	<del>\$48,215,142,592</del>	<del>-\$94,336,302,530</del>	<del>\$142,551,455,122</del>
7		\$48,350,776,197	\$105,413,527,026	\$153,764,303,223

8 § 8. This chapter shall be known and may be cited as the "2022 Amendments to the 2021 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>PART 1: OPERATING EXPENSES</b>			
<b>2</b>	<b>LEGISLATIVE DEPARTMENT</b>			
<b>3</b>	1.	Not set out.		
<b>4</b>	2.	Not set out.		
<b>5</b>	3.	Not set out.		
<b>6</b>	4.	Not set out.		
<b>7</b>	5.	Not set out.		
<b>8</b>	6.	Not set out.		
<b>9</b>	7.	Not set out.		
<b>10</b>	8.	Not set out.		
<b>11</b>	9.	Not set out.		
<b>12</b>	10.	Not set out.		
<b>13</b>	11.	Not set out.		
<b>14</b>	12.	Not set out.		
<b>15</b>	13.	Not set out.		
<b>16</b>	14.	Not set out.		
<b>17</b>	15.	Not set out.		
<b>18</b>	16.	Not set out.		
<b>19</b>	17.	Not set out.		
<b>20</b>	18.	Not set out.		
<b>21</b>	19.	Not set out.		
<b>22</b>	20.	Not set out.		
<b>23</b>	21.	Not set out.		
<b>24</b>	22.	Not set out.		
<b>25</b>	23.	Not set out.		
<b>26</b>	24.	Not set out.		
<b>27</b>	25.	Not set out.		

ITEM 26.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 26.	Not set out.			
2 27.	Not set out.			
3 27.10	Not set out.			
4 27.20	Not set out.			
5 27.30	Not set out.			
6 27.40	Not set out.			
7 28.	Not set out.			
8 29.	Not set out.			
9 29.1	Not set out.			
10 30.	Not set out.			
11 31.	Not set out.			
12 32.	Not set out.			
13 33.	Not set out.			
14 34.	Not set out.			
15 35.	Not set out.			
16	TOTAL FOR LEGISLATIVE DEPARTMENT.....		<b>\$110,470,669</b>	<b>\$111,820,329</b>
17	General Fund Positions.....	608.50	622.50	
18	Nongeneral Fund Positions.....	32.50	32.50	
19	Position Level.....	641.00	655.00	
20	Fund Sources: General.....	\$106,445,170	\$107,794,830	
21	Special.....	\$3,764,226	\$3,764,226	
22	Trust and Agency.....	\$123,679	\$123,679	
23	Federal Trust.....	\$137,594	\$137,594	

ITEM 36.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

1 **JUDICIAL DEPARTMENT**

2 **§ 1-1. SUPREME COURT (111)**

3 36. Not set out.

4 37. Not set out.

5 38. Not set out.

6 39. Administrative and Support Services (39900)..... \$35,512,025 \$43,501,601

7 General Management and Direction (39901)..... \$35,512,025 \$43,501,601

8 Fund Sources: General..... \$25,239,057 \$33,228,633

9 Special..... \$124,375 \$124,375

10 Dedicated Special Revenue..... \$8,833,848 \$8,833,848

11 Federal Trust..... \$1,314,745 \$1,314,745

12 Authority: §§ 16.1-69.30, 16.1-69.33, 17.1-314 through 17.1-320 and 17.1-502, Code of  
13 Virginia.

14 A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary,  
15 on or before September 1 of each year, to the Chairmen of the House Appropriations and  
16 Senate Finance Committees and to the Director, Department of Planning and Budget, which  
17 will report the number of individuals for whom legal or medical services were provided and  
18 the nature and cost of such services as are authorized for payment from the criminal fund or  
19 the involuntary mental commitment fund.

20 B. Notwithstanding the provisions of § 19.2-326, Code of Virginia, the amount of attorney's  
21 fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the  
22 discretion of the Supreme Court.

23 C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court  
24 and the Court of Appeals of Virginia, in order to meet changing workload demands.

25 D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts  
26 are requested to submit a fiscal impact assessment of their recommendations for the creation  
27 of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House  
28 and Senate Committees on Courts of Justice, and the House Appropriations and Senate  
29 Finance Committees.

30 E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the  
31 general fund, which may support computer system improvements for the several circuit and  
32 district courts. The Executive Secretary of the Supreme Court shall submit an annual report to  
33 the Director, Department of Planning and Budget on or before September 1 of each year  
34 outlining the improvement projects undertaken and the project status of each project. Each  
35 project in the report should include the life to date cost of the project, the amount spent on the  
36 project in the most recently completed fiscal year, the year the project began, the estimated  
37 cost to complete the remainder of the project and an estimated project completion date.

38 F. Given the continued concern about providing adequate compensation levels for court-  
39 appointed attorneys providing criminal indigent defense in the Commonwealth, the Executive  
40 Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent  
41 Defense Commission, representatives of the Indigent Defense Stakeholders Group and  
42 Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and  
43 evaluate all available options to enhance Virginia's Indigent Defense System.

44 G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be  
45 charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme  
46 Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia.  
47 Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit  
48 of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	costs of statewide electronic filing systems.			
2	H. 1. No state funds used to support the operation of drug court programs shall be			
3	provided to programs that serve first-time substance abuse offenders only or do not			
4	include probation violators. This restriction shall not apply to juvenile drug court			
5	programs.			
6	2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any			
7	locality is authorized to establish a drug treatment court supported by existing state			
8	resources and by federal or local resources that may be available. This authorization is			
9	subject to the requirements and conditions regarding the establishment and operation of a			
10	local drug treatment court advisory committee as provided by § 18.2-254.1 and the			
11	requirements and conditions established by the state Drug Treatment Court Advisory			
12	Committee. Any drug court treatment program established after July 1, 2012, shall limit			
13	participation in the program to offenders who have been determined, through the use of a			
14	nationally recognized, validated assessment tool, to be addicted to or dependent on drugs.			
15	However, no such drug court treatment program shall limit its participation to first-time			
16	substance abuse offenders only; nor shall it exclude probation violators from participation.			
17	3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include			
18	the collection of data needed for outcome measures, including recidivism. Drug treatment			
19	court programs shall provide to the Office of the Executive Secretary of the Supreme			
20	Court the information needed to conduct such an evaluation.			
21	4. Included within this appropriation is \$960,000 the first year and \$960,000 the second			
22	year from the general fund for drug courts in jurisdictions with high drug caseloads, to be			
23	allocated by the State Drug Treatment Court Advisory Committee to existing drug courts			
24	which have been approved by the Supreme Court of Virginia but have not previously			
25	received state funding.			
26	I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive			
27	Secretary of the Supreme Court shall ensure the deposit of all Commonwealth collections			
28	directly into the State Treasury for Item 42 General District Courts, Item 43 Juvenile and			
29	Domestic Relations District Courts, Item 44 Combined District Courts, and Item 45			
30	Magistrate System.			
31	J. Included in this appropriation, \$240,000 the first year and \$240,000 the second year			
32	from the general fund is provided to implement the Judicial Performance Evaluation			
33	Program established by § 17.1-100 of the Code of Virginia.			
34	K. Working in collaboration with the Chief Justice and Associate Justices of the Supreme			
35	Court of Virginia and the Chief Judge and Associate Judges of the Court of Appeals of			
36	Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director			
37	of the Department of General Services, is directed to develop a comprehensive plan that			
38	meets the future space needs of both courts around Capitol Square, which is acceptable to			
39	the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of			
40	Appeals of Virginia.			
41	L. Included in this appropriation, \$175,321 the first year and \$175,321 the second year			
42	from nongeneral funds and two positions to support drug treatment court evaluation and			
43	monitoring. The source of funds is the Drug Offender Assessment Fund.			
44	M. Included in the amounts appropriated for this item are \$400,000 the first year and			
45	\$400,000 the second year from the general fund to be allocated by the State Drug			
46	Treatment Court Advisory Committee for the establishment of drug courts in jurisdictions			
47	with high drug-related caseloads, or to increase funding provided to existing drug court			
48	programs experiencing high caseload growth.			
49	N. Included in this appropriation is \$500,000 the first year and \$500,000 the second year			
50	from the general fund to support the creation and expansion of mental health court dockets			
51	in jurisdictions with high caseloads, to be allocated by the Virginia Supreme Court.			
52	O.1. There is hereby created in the state treasury a special nonreverting fund to be known			
53	as the Attorney Wellness Fund, hereinafter referred to as the Fund. The Fund shall be			
54	established on the books of the Comptroller. Interest earned on moneys in the Fund shall			

ITEM 39.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	remain in the Fund and be credited to it. Any moneys remaining in the Fund, including			
2	interest thereon, at the end of the fiscal year shall not revert to the general fund, but shall			
3	remain in the Fund. Except for transfers pursuant to this Item, there shall be no transfers out			
4	of the Fund, including transfers to the general fund.			
5	2. Notwithstanding the provisions of § 54.1-3912, Code of Virginia, in addition to any other			
6	fee permitted by law, the Supreme Court of Virginia may adopt rules assessing members of			
7	the Virginia State Bar an annual fee of up to \$30 to be deposited in the State Bar Fund and			
8	transferred to the Attorney Wellness Fund.			
9	3. Moneys in the Fund shall be allocated at the direction of the Supreme Court of Virginia			
10	solely for the purposes of wellness initiatives for attorneys, judges, and law students, to			
11	prevent substance abuse and behavioral health disorders. The revenue raised in support of the			
12	Fund shall not be used to supplant current funding to the judicial branch. Expenditures and			
13	disbursements from the Fund shall be made by the State Treasurer on warrants issued by the			
14	Comptroller upon written request of the Executive Secretary of the Supreme Court of			
15	Virginia.			
16	P. The Office of the Executive Secretary of the Supreme Court shall prepare and distribute			
17	evaluation forms in all Circuit Court cases that are overseen by a retired judge for the purpose			
18	of collecting information on the number and types of cases referred to retired judges, and use			
19	such information to prepare and annually publish a report to be distributed to the members of			
20	the House Committee on Courts of Justice and the Senate Committee on the Judiciary, on or			
21	about January 1, each year.			
22	Q. Included in this appropriation is \$1,539,033 the second year for the implementation of an			
23	automatic expungement process pursuant to House Bill 2113 and Senate Bill 1339 of the 2021			
24	Session of the General Assembly.			
25	R. The Executive Secretary of the Supreme Court shall review, in consultation with			
26	representatives of the Indigent Defense Commission, Virginia Community Criminal Justice			
27	Association, and other stakeholders identified by the Executive Secretary, the requirements of			
28	House Bill 2286 of the 2021 Session of the General Assembly, as introduced, and produce (i)			
29	a plan for the implementation of the provisions of the bill, (ii) an estimate of the costs of			
30	implementing the provisions of the bill, and (iii) an estimate of potential off-setting savings			
31	resulting from implementation of the plan. The Executive Secretary shall provide a report			
32	detailing the plan for implementation, and associated costs and savings, to the Chairs of the			
33	House Appropriations and Senate Finance and Appropriations Committees no later than			
34	December 1, 2021.			
35	<i>S. On or before June 30, 2022, the Director, Department of Planning and Budget, shall</i>			
36	<i>authorize the reversion to the general fund of \$33,000,000 from the balances of the Criminal</i>			
37	<i>Fund.</i>			
38	Total for Supreme Court.....		<b>\$51,855,031</b>	<b>\$60,172,202</b>
39	General Fund Positions.....	159.63		221.63
40	Nongeneral Fund Positions.....	8.00		8.00
41	Position Level.....	167.63		229.63
42	Fund Sources: General.....	\$41,402,783		\$49,719,954
43	Special.....	\$303,655		\$303,655
44	Dedicated Special Revenue.....	\$8,833,848		\$8,833,848
45	Federal Trust.....	\$1,314,745		\$1,314,745
46	40. Not set out.			
47	41. Not set out.			
48	42. Not set out.			
49	42.10 Not set out.			



ITEM 43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 43.	Not set out.			
2 44.	Not set out.			
3 45.	Not set out.			
4	Grand Total for Supreme Court.....		<b>\$469,558,683</b>	<b>\$481,586,124</b>
5	General Fund Positions.....	2,834.71	2,889.71	
6	Nongeneral Fund Positions.....	8.00	8.00	
7	Position Level.....	2,842.71	2,897.71	
8	Fund Sources: General.....	\$459,106,435	\$471,133,876	
9	Special.....	\$303,655	\$303,655	
10	Dedicated Special Revenue.....	\$8,833,848	\$8,833,848	
11	Federal Trust.....	\$1,314,745	\$1,314,745	
12 46.	Not set out.			
13 47.	Not set out.			
14 48.	Not set out.			
15 48.10	Not set out.			
16 49.	Not set out.			
17 50.	Not set out.			
18 51.	Not set out.			
19 51.10	Not set out.			
20	TOTAL FOR JUDICIAL DEPARTMENT.....		<b>\$562,783,921</b>	<b>\$584,451,645</b>
21	General Fund Positions.....	3,507.71	3,605.71	
22	Nongeneral Fund Positions.....	195.00	106.00	
23	Position Level.....	3,702.71	3,711.71	
24	Fund Sources: General.....	\$525,416,049	\$547,083,773	
25	Special.....	\$10,498,088	\$10,498,088	
26	Dedicated Special Revenue.....	\$25,555,039	\$25,555,039	
27	Federal Trust.....	\$1,314,745	\$1,314,745	

ITEM 52.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>EXECUTIVE DEPARTMENT</b>			
<b>2</b>	<b>EXECUTIVE OFFICES</b>			
<b>3</b>	52.	Not set out.		
<b>4</b>	53.	Not set out.		
<b>5</b>	54.	Not set out.		
<b>6</b>	55.	Not set out.		
<b>7</b>	56.	Not set out.		
<b>8</b>	57.	Not set out.		
<b>9</b>	58.	Not set out.		
<b>10</b>	59.	Not set out.		
<b>11</b>	60.	Not set out.		
<b>12</b>	61.	Not set out.		
<b>13</b>	62.	Not set out.		
<b>14</b>	63.	Not set out.		
<b>15</b>	64.	Not set out.		
<b>16</b>	65.	Not set out.		
<b>17</b>	TOTAL FOR EXECUTIVE OFFICES.....		<b>\$79,077,890</b>	<b>\$83,461,867</b>
<b>18</b>	General Fund Positions.....		342.92	390.92
<b>19</b>	Nongeneral Fund Positions.....		247.58	247.58
<b>20</b>	Position Level.....		590.50	638.50
<b>21</b>	Fund Sources: General.....		\$42,639,051	\$47,023,028
<b>22</b>	Special.....		\$22,141,424	\$22,141,424
<b>23</b>	Commonwealth Transportation.....		\$2,248,113	\$2,248,113
<b>24</b>	Dedicated Special Revenue.....		\$118,337	\$118,337
<b>25</b>	Federal Trust.....		\$11,930,965	\$11,930,965

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF ADMINISTRATION</b>			
<b>2</b>	66.	Not set out.		
<b>3</b>	67.	Not set out.		
<b>4</b>	<b>§ 1-2. COMPENSATION BOARD (157)</b>			
<b>5</b>	68.	Not set out.		
<b>6</b>	69.	Not set out.		
<b>7</b>	70.	Not set out.		
<b>8</b>	71.	Not set out.		
<b>9</b>	72.	Not set out.		
<b>10</b>	73.	Not set out.		
<b>11</b>	74.	Not set out.		
<b>12</b>	75.		Administrative and Support Services (79900).....	\$5,208,548
<b>13</b>				<del>\$5,764,904</del>
<b>14</b>		\$3,671,951	General Management and Direction (79901).....	\$3,921,951
<b>15</b>		\$1,501,447	Information Technology Services (79902).....	<del>\$1,807,803</del>
<b>16</b>				<del>\$1,823,303</del>
<b>17</b>		\$35,150	Training Services (79925).....	\$35,150
<b>18</b>		\$5,208,548	Fund Sources: General.....	<del>\$5,764,904</del>
<b>19</b>				<del>\$5,780,404</del>
<b>20</b>	Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1,			
<b>21</b>	Chapter 2, Article 7, Code of Virginia.			
<b>22</b>	A.1. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74			
<b>23</b>	of this act, the Compensation Board shall use the greater of the most recent actual United			
<b>24</b>	States census count or the most recent provisional population estimate from the United			
<b>25</b>	States Bureau of the Census or the Weldon Cooper Center for Public Service of the			
<b>26</b>	University of Virginia available when fixing the officer's annual budget and shall adjust			
<b>27</b>	such population estimate, where applicable, for any annexation or consolidation order by a			
<b>28</b>	court when such order becomes effective. There shall be no reduction in salary by reason			
<b>29</b>	of a decline in population during the terms in which the incumbent remains in office.			
<b>30</b>	2. In determining the salary of any officer specified in Items 68, 70, 71, 72, 73, and 74 of			
<b>31</b>	this act, nothing herein contained shall prevent the governing body of any county or city			
<b>32</b>	from supplementing the salary of such officer in such county or city for the provisions of			
<b>33</b>	Chapter 822, 2012 Acts of Assembly or for additional services not required by general			
<b>34</b>	law; provided, however, that any such supplemental salary shall be paid wholly by such			
<b>35</b>	county or city.			
<b>36</b>	3. Any officer whose salary is specified in Items 68, 70, 71, 72, 73, and 74 of this act shall			
<b>37</b>	provide reasonable access to his work place, files, records, and computer network as may			
<b>38</b>	be requested by his duly elected successor after the successor has been certified.			
<b>39</b>	B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize			
<b>40</b>	and fund permanent positions for the locally elected constitutional officers, subject to			
<b>41</b>	appropriation by the General Assembly, including the principal officer, at the following			
<b>42</b>	levels:			
<b>43</b>		<b>FY 2021</b>		<b>FY 2022</b>

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Sheriffs	11,425		11,520
2	Partially Funded: Jail Medical, Treatment,	796		808
3	and Classification and Records Positions			
4	Commissioners of the Revenue	851		851
5	Treasurers	861		861
6	Directors of Finance	383		383
7	Commonwealth's Attorneys	1,332		1,332
8	Clerks of the Circuit Court	1,158		1,158
9	<b>TOTAL</b>	<b>16,806</b>		<b>16,913</b>
10	2. The Compensation Board is authorized to provide funding for 597 temporary positions the			
11	first year and 597 temporary positions the second year.			
12	3. The board is authorized to adjust the expenses and other allowances for such officers to			
13	maintain approved permanent and temporary manpower levels.			
14	4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and			
15	their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to			
16	§ 17.1-290, Code of Virginia.			
17	C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased			
18	with public funds used in the discharge of official duties shall be at a rate equal to that			
19	approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool			
20	services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall			
21	display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.			
22	2. Reimbursement by the Compensation Board for the use of personal vehicles in the			
23	discharge of official duties shall be at a rate equal to that established in § 4-5.04 e 2. of this			
24	act. All such requests for reimbursement shall be accompanied by a certification that a			
25	publicly owned or leased vehicle was unavailable for use.			
26	D. The Compensation Board is directed to examine the current level of crowding of inmates			
27	in local jails among the several localities and to reallocate or reduce temporary positions			
28	among local jails as may be required, consistent with the provisions of this act.			
29	E. Any new positions established in Item 75 of this act shall be allocated by the Compensation			
30	Board upon request of the constitutional officers in accordance with staffing standards and			
31	ranking methodologies approved by the Compensation Board to fulfill the requirements of			
32	any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in			
33	accordance with the provisions of Item 68 of this act.			
34	F. Any funds appropriated in this act for performance pay increases for designated deputies or			
35	employees of constitutional officers shall be allocated by the Compensation Board upon			
36	certification of the constitutional officer that the performance pay plan for that office meets			
37	the minimum standards for such plans as set by the Compensation Board. Nothing herein, and			
38	nothing in any performance pay plan set by the Compensation Board or adopted by a			
39	constitutional officer, shall change the status of employees or deputies of constitutional			
40	officers from employees at will or create a property or contractual right to employment. Such			
41	deputies and employees shall continue to be employees at will who serve at the pleasure of			
42	the constitutional officers.			
43	G. The Compensation Board shall apply the current fiscal stress factor, as determined by the			
44	Commission on Local Government, to any general fund amounts approved by the board for			
45	the purchase, lease or lease purchase of equipment for constitutional officers. In the case of			
46	equipment requests from regional jail superintendents and regional special prosecutors, the			
47	highest stress factor of a member jurisdiction will be used.			
48	H. The Compensation Board shall not approve or commit additional funds for the operational			
49	cost, including salaries, for any local or regional jail construction, renovation, or expansion			
50	project which was not approved for reimbursement by the State Board of Corrections prior to			
51	January 1, 1996, unless: (1) the Secretary of Public Safety and Homeland Security certifies			
52	that such additional funding results in an actual cost savings to the Commonwealth or (2) an			
53	exception has been granted as provided for in Item 398 of this act.			

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	I. Subject to appropriations by the General Assembly for this purpose, the Compensation			
2	Board may provide funding for executive management, lawful employment practices, and			
3	jail management training for constitutional officers, their employees, and regional jail			
4	superintendents.			
5	J. Any local or regional jail that receives funding from the Compensation Board shall			
6	report inmate populations to the Compensation Board, through the local inmate data			
7	system, no less frequently than weekly. Each local or regional jail that receives funding			
8	from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying			
9	and describing offenses for persons arrested and/or detained in local and regional jails in			
10	Virginia.			
11	K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and			
12	House Appropriations Committees and the Secretaries of Finance and Administration with			
13	an annual report, on December 1 of each year, of jail revenues and expenditures for all			
14	local and regional jails and jail farms which receive funds from the Compensation Board.			
15	Information provided to the Compensation Board is to include an audited statement of			
16	revenues and expenses for inmate canteen accounts, telephone commission funds, inmate			
17	medical co-payment funds, any other fees collected from inmates and investment/interest			
18	monies for inclusion in the report.			
19	2. Local and regional jails and jail farms and local governments receiving funds from the			
20	Compensation Board shall, as a condition of receiving such funds, provide such			
21	information as may be required by the Compensation Board, necessary to prepare the			
22	annual jail cost report.			
23	3. If any sheriff, superintendent, county administrator, or city manager fails to send such			
24	information within five working days after the information should be forwarded, the			
25	Chairman of the Compensation Board shall notify the sheriff, superintendent, county			
26	administrator or city manager of such failure. If the information is not provided within ten			
27	working days from that date, then the chairman shall cause the information to be prepared			
28	from the books of the city, county, or regional jail and shall certify the cost thereof to the			
29	State Comptroller. The State Comptroller shall issue his warrant on the state treasury for			
30	that amount, deducting the same from any funds that may be due the sheriff or regional			
31	jail from the Commonwealth.			
32	L. In the event of the transition of a city to town status pursuant to the provisions of			
33	Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a			
34	city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500			
35	et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation			
36	Board shall provide funding from Items 68, 71, 72, 73, and 74 of this act, consistent with			
37	the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of			
38	paragraph E of this Item, any positions in the constitutional offices of the former city or			
39	former county which are available for reallocation as a result of the transition or			
40	consolidation shall be first reallocated in accordance with Compensation Board staffing			
41	standards to the constitutional officers in the county in which the town is situated or to the			
42	consolidated city, without regard to the Compensation Board's priority of need ranking for			
43	reallocated positions. The salary and fringe benefit costs for these positions shall be			
44	deducted from any amounts due the county or to the consolidated city, as provided in §			
45	15.2-1302, Code of Virginia.			
46	M. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the			
47	Compensation Board shall provide no reimbursement for accumulated vacation time for			
48	employees of Constitutional Officers.			
49	N. The Compensation Board is hereby authorized to deduct, from reimbursements made			
50	each year to localities out of the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an			
51	amount equal to 100 percent of each locality's share of the insurance premium paid by the			
52	Compensation Board on behalf of the constitutional officers, directors of finance, and			
53	regional jails. From sheriffs and regional jails, the Compensation Board shall deduct an			
54	additional \$80,000 each year for the costs of conducting training on managing risk in the			
55	operation of local and regional jails.			

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements				
2	due the locality for sheriff and jail expenses upon notification from the Superintendent of				
3	State Police that there is reason to believe that crime data reported by a locality to the				
4	Department of State Police in accordance with § 52-28, Code of Virginia, is missing,				
5	incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is				
6	accurate, the Compensation Board shall make reimbursement of withheld funding due the				
7	locality when such corrections are made within the same fiscal year that funds have been				
8	withheld.				
9	P. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation				
10	Board is hereby authorized to deduct, from reimbursements made each year to localities out of				
11	the amounts in Items 68, 70, 71, 72, 73, and 74 of this act, an amount equal to each locality's				
12	retiree health premium paid by the Compensation Board on behalf of the constitutional				
13	offices, directors of finance, and regional jails.				
14	Q.1. Compensation Board payments of, or reimbursements for, the employer paid				
15	contribution to the Virginia Retirement System, or any system offering like benefits, shall not				
16	exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the				
17	actual retirement rate for the local constitutional officer's office or regional correctional				
18	facility as set by the Board of the Virginia Retirement System or (b) the employer rate				
19	established for the general classified workforce of the Commonwealth covered under and				
20	payable to the Virginia Retirement System.				
21	2. The rate specified in paragraph Q.1. shall exclude the cost of any early retirement program				
22	implemented by the Commonwealth.				
23	3. Any employer paid contribution costs for rates exceeding those specified in paragraph Q.1.				
24	shall be borne by the employer.				
25	4. The benefits rate reimbursed by the Compensation Board to localities and regional jails				
26	shall not exceed the rate identified for fiscal year 2011 in Chapter 890, Item 469, paragraph				
27	I.1.				
28	R. Localities shall not utilize Compensation Board funding to supplant local funds provided				
29	for the salaries of constitutional officers and their employees under the provisions of Chapter				
30	822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012.				
31	S. Effective July 1, 2016, the Compensation Board is authorized to withhold reimbursements				
32	due to the locality for sheriff's law enforcement expenses if the sheriff fails to certify to the				
33	Board that the sheriff's office is compliant with the sex offender registration requirements of §				
34	9.1-903, Code of Virginia. Upon subsequent certification by the sheriff that the sheriff's office				
35	is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia,				
36	the Compensation Board shall make reimbursement of withheld funding due to the locality				
37	when such subsequent certification is made within the same fiscal year that funds have been				
38	withheld.				
39	T.1. Consistent with the provisions of Chapter 198 of the 2017 Session of the General				
40	Assembly, the Executive Secretary of the State Compensation Board shall implement the				
41	recommendations relating to the State Compensation Board made by the Department of				
42	Medical Assistance Services in its November 30, 2017 report on streamlining the Medicaid				
43	application and enrollment process for incarcerated individuals.				
44	U. The Compensation Board shall perform a review of the career development programs				
45	within the constitutional offices regarding the demographic composition of the employees in				
46	the programs and make recommendations as needed to ensure equity and fairness within the				
47	programs. The Compensation Board shall provide a report to the Chairs of the House				
48	Appropriations and Senate Finance and Appropriations Committees by November 1, 2020.				
49	V.1. The Compensation Board shall work with the Virginia Association of Commonwealth's				
50	Attorneys to examine the staffing standards used to determine and distribute funding and				
51	positions allocated to Commonwealth's Attorney's offices, including the use of diversion				
52	programs, specialty dockets, and other programs that incentivize best practices and improved				
53	outcomes as part of overall criminal justice reform efforts, rather than the current practice				
54	which relies solely on metrics related to felony charges and convictions. The examination				

ITEM 75.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall identify funding needs to support staffing for statutorily prescribed duties while also				
2	identifying funding needs for participation in special programs, discretionary duties, and				
3	current local supplemental funds allocated. To assist in this goal, the Compensation Board				
4	shall contract with the National Center for State Courts to perform a time study as to the				
5	comprehensive duties and responsibilities of Commonwealth's Attorneys' offices				
6	including, but not limited to, "in-court" obligations, the use of diversion programs and				
7	specialty dockets, expungement/rights restoration volume as well as other obligations				
8	reflected in the Code of Virginia (e.g. duties prescribed under §15.2-1627, et seq). The				
9	Compensation Board shall develop a revised staffing standard for Commonwealth's				
10	Attorney's offices based on the results of the study that expands the current model focused				
11	on felony charges and convictions and accounts for the use of diversion programs,				
12	specialty dockets, and other programs. Included within this appropriation is \$250,000 in				
13	the second year from the general fund for the purpose of contracting with the Center to				
14	perform the study. All Commonwealth's Attorneys shall participate in the study as needed				
15	and identified by the Compensation Board and the National Center for State Courts.				
16	2. The Compensation Board shall provide a status report on the progress of the study and				
17	participants to the Chairs of the House Appropriations and Senate Finance and				
18	Appropriations Committees by November 1, 2021. The Compensation Board shall deliver				
19	a report containing the results of the study, anticipated costs, and staffing standards				
20	methodology revisions under review or approved by the Board to the Chairs of the House				
21	Appropriations and Senate Finance and Appropriations Committees by November 1,				
22	2022.				
23	W. The Compensation Board shall review the plan to be developed by the Department of				
24	Criminal Justice Services by July 1, 2021 outlining law enforcement agencies' roles and				
25	engagement with the development of the Mental Health Awareness Response and				
26	Community Understanding Services Alert System, established pursuant to House Bill				
27	5043 and Senate Bill 5038 of the 2020 Special Session I of the General Assembly, and				
28	shall survey sheriffs' offices to determine anticipated costs to support staffing and training				
29	needs to meet the requirements established by the plan. The Compensation Board shall				
30	provide a report to the Chairs of the House Appropriations and Senate Finance and				
31	Appropriations Committees by November 1, 2021 of the findings of the survey and				
32	estimated costs to meet the requirements established by the plan.				
33	75.10 Not set out.				
34	Total for Compensation Board.....			<b>\$735,071,920</b>	<b>\$746,418,253</b>
35					<b>\$746,433,753</b>
36	General Fund Positions.....	20.00	21.00		
37	Nongeneral Fund Positions.....	1.00	1.00		
38	Position Level.....	21.00	22.00		
39	Fund Sources: General.....	\$718,465,692	\$729,812,025		
40			\$729,827,525		
41	Trust and Agency.....	\$8,003,370	\$8,003,370		
42	Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
43	76. Not set out.				
44	77. Not set out.				
45	78. Not set out.				
46	79. Not set out.				
47	80. Not set out.				
48	81. Not set out.				
49	82. Not set out.				

ITEM 82.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 82.10	Not set out.			
2	<b>§ 1-3. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)</b>			
3 83.	Personnel Management Services (70400).....		\$108,485,214	\$109,594,197
4				\$109,664,664
5	Agency Human Resource Services (70401).....	\$1,915,564	\$2,915,564	
6	Human Resource Service Center (70402).....	\$1,176,473	\$1,114,273	
7	Equal Employment Services (70403).....	\$725,773	\$725,773	
8	Health Benefits Services (70406).....	\$7,096,747	\$7,096,747	
9	Personnel Development Services (70409).....	\$409,805	<del>\$712,695</del>	
10			\$783,162	
11	Personnel Management Information Services			
12	(70410).....	\$1,395,087	\$1,263,380	
13	Employee Dispute Resolution Services (70416).....	\$1,182,370	\$1,182,370	
14	State Employee Program Services (70417).....	\$1,905,191	\$1,905,191	
15	State Employee Workers' Compensation Services			
16	(70418).....	\$91,463,439	\$91,463,439	
17	Administrative and Support Services (70419).....	\$1,214,765	\$1,214,765	
18	Fund Sources: General.....	\$5,143,817	<del>\$6,446,707</del>	
19			\$6,517,174	
20	Special.....	\$1,805,051	\$1,742,851	
21	Enterprise.....	\$2,596,995	\$2,596,995	
22	Internal Service.....	\$7,104,757	\$6,973,050	
23	Trust and Agency.....	\$91,834,594	\$91,834,594	
24	Authority: Title 2.2, Chapters 12 and 28, 29, 30, and 32, Code of Virginia.			
25	A. The Department of Human Resource Management shall report any proposed changes in			
26	premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the			
27	House Appropriations and Senate Finance Committees at least sixty days prior to			
28	implementation.			
29	B.1. The Department of Human Resource Management shall operate a human resource			
30	service center to support the human resource needs of those agencies identified by the			
31	Secretary of Administration in consultation with the Department of Planning and Budget. The			
32	agencies identified shall cooperate with the Department of Human Resource Management by			
33	transferring such records and functions as may be required.			
34	2. Nothing in this paragraph shall prohibit additional agencies from using the services of the			
35	center; however, these additional agencies' use of the human resource service center shall be			
36	subject to approval by the affected cabinet secretary and the Secretary of Administration.			
37	3. The cost of the human resource center's services shall be recovered and paid solely from			
38	revenues derived from charges for services. The rates required to recover the costs of the			
39	human resource service center shall be provided by the Department of Human Resource			
40	Management to the Department of Planning and Budget by September 1 each year for review			
41	and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.			
42	4. The rates for the human resource service center shall be \$1,306.00 per full-time equivalent			
43	and \$483.00 per wage employee the first year and \$1,237.00 per full-time equivalent and			
44	\$458.00 per wage employee the second year.			
45	C. The institutions of higher education shall be exempt from the centralized advertising			
46	requirements identified in Executive Order 73 (01).			
47	D.1. To ensure fair and equitable performance reviews, the Department of Human Resource			
48	Management, within available resources, is directed to provide performance management			
49	training to agencies and institutions of higher education with classified employees.			
50	2. Agency heads in the Executive Department are directed to require appropriate performance			
51	management training for all agency supervisors and managers.			



ITEM 83.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	E. The Department of Human Resource Management shall take into account the claims				
2	experience of each agency and institution when setting premiums for the workers'				
3	compensation program.				
4	F.1. The Department of Human Resource Management shall report to the Governor and				
5	Chairmen of the House Appropriations and Senate Finance Committees by October 30 of				
6	each year, on its recommended workers' compensation premiums for state agencies for the				
7	following biennium. This report shall also include the basis for the department's				
8	recommendations; the status and recommendations of the loss control program authorized				
9	in paragraph F. 2; the number and amount of workers' compensation settlements				
10	concluded in the previous fiscal year, inclusive of those authorized in paragraph F. 3.a;				
11	and the impact of those settlements on the workers' compensation program's reserves.				
12	2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct				
13	an annual review of each state agency's loss control history, to include the severity of				
14	workers' compensation claims, experience modification factor, and frequency normalized				
15	by payroll. Based on the annual review, state agencies deemed by the Department of				
16	Human Resource Management as having higher than normal loss history shall be required				
17	to participate in a loss control program. All executive, judicial, legislative, and				
18	independent agencies required to participate in the loss control program shall fully				
19	cooperate with the Department of Human Resource Management's review.				
20	3.a. A working capital advance of up to \$20,000,000 shall be provided to the Department				
21	of Human Resource Management to identify and potentially settle certain workers'				
22	compensation claims open for more than one year but less than 10 years. The Department				
23	of Human Resource Management shall pay back the working capital advance from annual				
24	premiums over a seven-year period.				
25	b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns				
26	from this working capital advance prior to the expenditure of funds. The State Comptroller				
27	shall notify the Governor and the Chairmen of the House Appropriations and Senate				
28	Finance Committees of any approved drawdowns.				
29	G. The Department of Human Resource Management shall report to the Governor and				
30	Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of				
31	each year, on the renewal cost of the state employee health insurance program premiums				
32	that will go into effect on July 1 of the following year. This report shall include the impact				
33	of the renewal cost on employee and employer premiums and a valuation of liabilities as				
34	required by Other Post Employment Benefits reporting standards.				
35	H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from				
36	the general fund is provided for the time, attendance and leave system.				
37	I. The Department of Human Resource Management shall develop and distribute				
38	instructions and guidelines to all executive department agencies for the provision of an				
39	annual statement of total compensation for each classified employee. The statement				
40	should account for the full cost to the Commonwealth and the employee of cash				
41	compensation as well as Social Security, Medicare, retirement, deferred compensation,				
42	health insurance, life insurance, and any other benefits. The Director, Department of				
43	Human Resource Management, shall ensure that all executive department agencies				
44	provide this notice to each employee. The Department of Accounts and the Virginia				
45	Retirement System shall provide assistance upon request. Further, the Director of the				
46	Department of Human Resource Management shall provide instructions and guidelines for				
47	the development notices of total compensation to all independent, legislative, and judicial				
48	agencies, and institutions of higher education for preparation of annual statements to their				
49	employees.				
50	J. 1. The appropriation for the Personnel Management Information System (PMIS) is a				
51	sum sufficient and amounts shown are estimates from an internal service fund which shall				
52	be paid solely from revenues derived from charges to participating agencies, identified by				
53	the Department of Human Resource Management and approved by the Department of				
54	Planning and Budget, to support the operation of PMIS and its subsystems authorized in				
55	this Item.				

ITEM 83.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2.a. The rate for agencies to support PMIS and its subsystems, operated and maintained by the				
2	Department of Human Resource Management, shall be \$10.91 per position the first year and				
3	no more than \$10.66 per position the second year. The rate is based upon the higher of the				
4	agency's maximum employment level as of July 1, 2019, and filled wage positions as of June				
5	30, 2019, or the total number of filled classified and wage positions as of June 30, 2019.				
6	b. The rates authorized to support the operation of PMIS and its subsystems shall be provided				
7	by the Department of Human Resource Management and approved by the Department of				
8	Planning and Budget by September 1 each year for review and approval of the subsequent				
9	fiscal year's rate in accordance with § 4-5.03 of this act.				
10	3. The State Comptroller shall recover the cost of services provided for the administration of				
11	the internal service fund through interagency transactions as determined by the State				
12	Comptroller.				
13	K. The Department of Human Resource Management shall work with the Virginia				
14	Information Technologies Agency to develop a pilot program, beginning in July of 2019,				
15	utilizing a currently available electronic platform, to track and evaluate the productivity				
16	contract staff when teleworking or working in an office that is not part of the agency for				
17	which they work or for which they have a contract. The Departments shall identify specific				
18	executive branch agencies which have a significant number of such contractors and work with				
19	these agencies to develop the pilot project. The Departments shall report to the Chairmen of				
20	the House Appropriations and Senate Finance Committees on the results of the pilot program				
21	by November 15, 2020.				
22	L. Out of the amounts appropriated for this item, \$24,400 from the general fund the first year				
23	is provided for the development of a diversity and cultural competency training module,				
24	which is to be administered to all state employees employed on or after January 1, 2021.				
25	M. The Director of the Department of Human Resource Management shall communicate to				
26	all executive branch agencies the requirement that all employees with state email addresses				
27	and state phone numbers include contact information in their email signature, which shall				
28	include, at a minimum, an office phone number and/or state cell phone number.				
29	N. The Department in collaboration with the Department of General Services, the Virginia				
30	Information Technologies Agency, and any other state agency upon request, shall examine the				
31	Commonwealth's existing telework policies, and how agency program and service delivery				
32	tools and methodologies employed during the COVID-19 pandemic may inform future policy				
33	objectives regarding the use of telework and alternative work schedules as a means of				
34	achieving administrative efficiencies, reducing cost, and sustaining the hiring and retention of				
35	a highly qualified workforce. The Department shall report to the Governor and the Chairs of				
36	the House Appropriations and Senate Finance and Appropriations Committees on its findings				
37	by September 1, 2021.				
38	Total for Department of Human Resource				
39	Management.....			\$108,485,214	\$109,594,197
40					\$109,664,664
41	General Fund Positions.....	43.90	43.90		
42	Nongeneral Fund Positions.....	71.10	71.10		
43	Position Level.....	115.00	115.00		
44	Fund Sources: General.....	\$5,143,817	\$6,446,707		
45			\$6,517,174		
46	Special.....	\$1,805,051	\$1,742,851		
47	Enterprise.....	\$2,596,995	\$2,596,995		
48	Internal Service.....	\$7,104,757	\$6,973,050		
49	Trust and Agency.....	\$91,834,594	\$91,834,594		
50	84. Not set out.				
51	85. Not set out.				

ITEM 85.		Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
1	Grand Total for Department of Human Resource					
2	Management.....			\$2,307,035,620	\$2,412,144,603	
3					\$2,412,215,070	
4	General Fund Positions.....	44.90	44.90			
5	Nongeneral Fund Positions.....	71.10	71.10			
6	Position Level.....	116.00	116.00			
7	Fund Sources: General.....	\$6,623,156	\$7,926,046			
8			\$7,996,513			
9	Special.....	\$1,805,051	\$1,742,851			
10	Enterprise.....	\$590,052,239	\$590,052,239			
11	Internal Service.....	\$1,581,300,580	\$1,685,168,873			
12	Trust and Agency.....	\$127,254,594	\$127,254,594			
13	<b>§ 1-4. DEPARTMENT OF ELECTIONS (132)</b>					
14	86. Electoral Services (72300).....			\$35,593,662	\$16,910,479	
15					\$16,939,330	
16	Electoral Administration, Uniformity, Legality,					
17	and Quality Assurance Services (72302).....	\$1,621,062	\$1,621,062			
18	Statewide Voter Registration System and					
19	Associated Information Technology Services					
20	(72304).....	\$30,157,756	\$11,386,990			
21			\$11,415,841			
22	Campaign Finance Disclosure Administration					
23	Services (72309).....	\$178,568	\$178,568			
24	Voter Services and Communications (72311).....	\$1,060,726	\$1,148,039			
25	Administrative Services (72312).....	\$2,575,550	\$2,575,820			
26	Fund Sources: General.....	\$32,541,412	\$13,858,229			
27			\$13,887,080			
28	Special.....	\$52,250	\$52,250			
29	Trust and Agency.....	\$3,000,000	\$3,000,000			
30	Authority: Title 24.2, Chapter 1, Code of Virginia.					
31	A. It is the intention of the General Assembly that all local precincts, other than central					
32	absentee precincts established under § 24.2-712, Code of Virginia, will use electronic					
33	pollbooks for elections held beginning in November, 2010.					
34	B. Any locality using paper pollbooks for elections held beginning in November, 2010,					
35	shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any					
36	locality using paper pollbooks for elections held after November, 2010 may be required to					
37	reimburse the Department of Elections for state costs associated with providing paper					
38	pollbooks.					
39	C. Municipalities will pay all expenses associated with May elections after June 30, 2009,					
40	including those costs incurred by the Department of Elections.					
41	D. The State Board of Elections shall by regulation provide for an administrative fee up to					
42	\$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The					
43	regulation shall provide for waiver of the fee based upon indigence.					
44	E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to					
45	interest, the administrative collection fee and late penalties authorized in the Virginia Debt					
46	Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.					
47	F. Out of this appropriation, \$212,687 the first year from the general fund is provided for					
48	voter outreach and education required to inform voters about the photo identification					
49	requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of					
50	the General Assembly that registration cards containing the voter's photograph and					
51	signature be provided free to any eligible voter upon request to the general registrar.					
52	G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from					

ITEM 86.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the general fund is provided for conducting list maintenance mailings as required by the			
2	National Voter Registration Act.			
3	H. Out of this appropriation, \$6,800 each year from the general fund is provided to increase			
4	the membership of the State Board of Elections from three members to five members,			
5	consistent with the provisions of § 24.2-102, Code of Virginia.			
6	I. 1. It is the intent of the General Assembly that federal awards from the Help America Vote			
7	Act of 2002 (HAVA) under P.L. 116-93 be used to replace the Virginia Election and			
8	Registration Information System (VERIS) by July 1, 2022. Out of the amounts included in			
9	this item, up to \$18,770,766 the first year from the general fund may be used to support			
10	VERIS replacement and shall serve as the state's required match to receive the federal HAVA			
11	award.			
12	2. All available HAVA funding and associated state matching funds required that are eligible			
13	for this purpose shall be exhausted prior to using other general fund appropriation provided in			
14	this Item.			
15	3. Out of the general fund amounts provided in this paragraph, \$16,735,624 shall be			
16	unallotted. The Secretary of Finance and Secretary of Administration shall approve the			
17	allotment of these funds to be used for VERIS replacement costs after the exhaustion of all			
18	available HAVA funding and the initial required state match component of \$2,035,142.			
19	4. Any balances remaining from the appropriation identified in this paragraph shall not revert			
20	to the general fund at the end of the fiscal year, but shall be brought forward and made			
21	available to support VERIS replacement in the subsequent fiscal year.			
22	J. Out of the amounts included in this item, \$96,644 the first year and \$96,644 the second year			
23	from the general fund and one position shall support a permanent, full-time director of			
24	operations position subject to the Virginia Personnel Act (§ 2.2-2900 et seq.) within the			
25	Department.			
26	K.1 Notwithstanding Virginia Code §§ 24.2-506, 24.2-521, and 24.2-684.1, during a state of			
27	emergency as declared by the Governor due to the novel coronavirus (COVID-19) during			
28	2021, any candidate for nomination by primary or any candidate for any office, other than a			
29	party nominee, may gather petition signatures as prescribed under Chapter 6 of Title 24.2 or			
30	by using the relevant form published by the Department of Elections as described under			
31	paragraph (2).			
32	2. For local offices, offices of the General Assembly, statewide offices, constitutional offices,			
33	and referenda, the Department of Elections will develop and publish, not later than March 1,			
34	2021, forms to be used for petition circulation that permit a qualified petition signer to sign a			
35	petition while not in the presence of a petition circulator, provided that, in using the form, the			
36	petition signer must provide the following information:			
37	a. Affirmation that the signer is who they attest they are;			
38	b. Affirmation that the signer is a resident of their jurisdiction, including a statement of their			
39	address; and			
40	c. The last four digits of the signer's social security number.			
41	3. If an individual signs a petition form published by the Department of Elections as described			
42	under paragraph (2), that individual shall transmit that form, either by mail, electronically, or			
43	physically, to the candidate, the candidate's campaign, or the petition circulator.			
44	4. If a petition form is required to be submitted to the Chair or Chair of the several committees			
45	of the respective party of the candidate for whom the petition is signed, the candidate, the			
46	candidate's campaign, or the appropriate petition circulator shall submit the petition forms as			
47	prescribed under Title 24.2 of the Virginia Code.			
48	5. If a petition form is required to be submitted to a general registrar, the candidate, the			
49	candidate's campaign, or the appropriate petition circulator shall submit the petition forms as			
50	prescribed under Title 24.2 of the Virginia Code.			
51	6. If a petition form is required to be submitted to the State Board of Elections, the candidate,			
52	the candidate's campaign, or the appropriate petition circulator shall submit the petition form			
53	to the State Board of Elections either by mail, electronically, or physically. Any such petition			

ITEM 86.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	forms shall be required to be received by the State Board of Elections by the relevant				
2	deadline under Virginia Code Title 24.2.				
3	7. If a petition is required to be submitted to a court or other appropriate authority pursuant				
4	to Virginia Code § 24.2-684.1, the individual circulating such petition shall submit the				
5	petition to the court or other appropriate authority as prescribed under Title 24.2 of the				
6	Virginia Code.				
7	L.1. For the special elections, general elections, and primaries to be held prior to July 1,				
8	2021 upon receipt of an absentee ballot returned four days prior to the date of the election,				
9	each general registrar shall examine the ballot envelopes to verify completion of the				
10	required voter affirmation.				
11	2. If the general registrar finds during the examination of a returned absentee ballot				
12	envelope that the required voter affirmation was not correctly or completely filled out or				
13	that a procedure required by § 24.2-707 of the Code of Virginia was not properly				
14	followed, and such error or failure shall render the ballot void by law, the general registrar				
15	shall, within three days of such finding, notify the voter of the error or failure. However,				
16	notwithstanding the provisions of §§ 24.2-706 and 24.2-707 of the Code of Virginia, the				
17	failure of an absentee voter marking and returning a mail absentee ballot for special				
18	elections, general elections, and primaries, or ballot measures held prior to July 1, 2021, to				
19	have a witness sign the statement on the back of the absentee ballot return envelope shall				
20	not be considered a material omission and shall not render his ballot void. Such notice				
21	shall be made by phone, email, or in writing and shall provide information to the voter as				
22	to how to correct the issue so his ballot may be counted. The voter shall be entitled to				
23	make such necessary corrections before noon on the third day after the election, and his				
24	ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the				
25	Code of Virginia if he is found to be entitled to vote. Notwithstanding any other provision				
26	of law to the contrary, no absentee ballot needing correction shall be delivered to the				
27	officers of election at the appropriate precinct until the voter is provided the opportunity to				
28	make the necessary corrections pursuant to this subparagraph.				
29	3. The general registrar may issue a new absentee ballot to the voter if necessary and shall				
30	preserve the first ballot with other spoiled ballots.				
31	M.1. Notwithstanding any other provision of law, for special elections, general elections,				
32	and primaries to be held prior to July 1, 2021, mailed absentee ballots shall be returned (i)				
33	by mail to the office of the general registrar, (ii) by the voter in person to the general				
34	registrar, (iii) to a drop-off location, or (iv) by commercial delivery service.				
35	2. Mailed absentee ballots shall provide instructions that include information on the				
36	locations of all drop-off locations available in the locality at the time such ballots are				
37	mailed by the general registrar.				
38	3. The general registrar of each county or city shall establish at the office of the general				
39	registrar and each voter satellite office in operation for an election a drop-off location for				
40	the purpose of allowing voters to deposit completed absentee ballots for such election. On				
41	the day of the election, there shall also be a drop-off location at each polling place in				
42	operation for the election. The general registrar may establish additional drop-off locations				
43	within the county or city as he deems necessary. All drop-off locations shall be accessible;				
44	be on public property, unless located at a polling place; and otherwise comply with any				
45	criteria for drop-off locations set by the Department of Elections.				
46	4. The Department of Elections shall set standards for the establishment and operation of				
47	drop-off locations, including necessary security requirements. The Department of				
48	Elections shall submit such standards to the Chairs of the House and Senate Committees				
49	on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the				
50	House Committee on Appropriations within 30 days of the effective date of this act.				
51	5. The general registrar of a county or city utilizing drop-off locations shall post notice of				
52	the locations of the drop-off locations in the locality in the office of the general registrar				
53	and on the official website for the county or city. Such notice shall remain in the office of				
54	the general registrar and on the official website for the county or city for the duration of				
55	the period during which absentee ballots may be returned.				

ITEM 86.		Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
1	6. Absentee ballots shall be collected from drop-off locations in accordance with the					
2	instructions provided by the Department of Elections. Such instructions shall include chain of					
3	custody requirements and recordkeeping requirements. Absentee ballots shall be collected at					
4	least daily, by two officers of election representing the two major political parties, when					
5	practicable, or by two employees from the office of the general registrar, unless the drop-off					
6	location is in the office of the general registrar, in which case the general registrar or an					
7	assistant general registrar may collect the absentee ballots.					
8	7. Any ballot returned to a drop-off location in any manner except as prescribed by law shall					
9	be void. Absentee ballots shall be returned to a drop-off location before the closing of the					
10	polls. Any voter who is in line to return the voter's absentee ballot at a drop-off location by					
11	7:00 p.m. on the day of the election shall be permitted to deposit the absentee ballot.					
12	N. The general registrar shall include with the absentee ballot prescribed in § 24.2-706 of the					
13	Code of Virginia, an envelope, properly addressed and postage prepaid, for the return of the					
14	ballot to the general registrar by mail for special elections, general elections, and primaries to					
15	be held prior to July 1, 2021.					
16	O. The provisions of paragraphs L., M. and N. shall expire June 30, 2021.					
17	P. The Department shall use remaining funds provided in Chapter 1, 2020 Special Session I					
18	Acts of Assembly to reimburse localities for the cost of prepaid postage for the return of					
19	absentee ballots. The Department of Elections shall reimburse localities for return absentee					
20	ballot prepaid postage by validating qualifying amounts through proper documentation. These					
21	funds shall not be used or otherwise obligated for any other purposes.					
22	Q. Out of the amounts in this item, \$300,000 in the second year from the general fund is					
23	provided for voter outreach and education about new voting laws enacted by the 2020 General					
24	Assembly and 2021 General Assembly.					
25	87. Not set out.					
26	87.10 Not set out.					
27	Total for Department of Elections.....			<b>\$41,869,040</b>	<b>\$26,699,991</b>	
28					<b>\$26,728,842</b>	
29	General Fund Positions.....	58.00	<del>58.00</del>			
30			59.00			
31	Position Level.....	58.00	<del>58.00</del>			
32			59.00			
33	Fund Sources: General.....	\$38,816,790	<del>\$23,647,741</del>			
34			\$23,676,592			
35	Special.....	\$52,250	\$52,250			
36	Trust and Agency.....	\$3,000,000	\$3,000,000			
37	<b>§ 1-5. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)</b>					
38	88. Omitted.					
39	89. Omitted.					
40	90. Not set out.					
41	91. Not set out.					
42	92. Not set out.					
43	93. Not set out.					
44	Total for Virginia Information Technologies Agency.			<b>\$346,896,915</b>	<b>\$395,977,088</b>	

ITEM 93.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	General Fund Positions.....	2.00	2.00		
2	Nongeneral Fund Positions.....	237.40	240.40		
3	Position Level.....	239.40	242.40		
4	Fund Sources: General.....	\$282,252	\$282,252		
5	Special.....	\$10,428,054	\$10,428,054		
6	Internal Service.....	\$336,186,609	\$385,266,782		
7	TOTAL FOR OFFICE OF ADMINISTRATION....			<b>\$3,698,765,764</b>	<b>\$3,850,944,213</b>
8					<b>\$3,851,059,031</b>
9	General Fund Positions.....	386.40	<del>389.40</del>		
10			390.40		
11	Nongeneral Fund Positions.....	745.00	752.00		
12	Position Level.....	1,131.40	<del>1,141.40</del>		
13			1,142.40		
14	Fund Sources: General.....	\$792,327,108	<del>\$789,046,713</del>		
15			\$789,161,531		
16	Special.....	\$21,406,431	\$21,344,231		
17	Enterprise.....	\$632,208,993	\$631,000,379		
18	Internal Service.....	\$2,098,667,578	\$2,255,397,236		
19	Trust and Agency.....	\$138,257,964	\$138,257,964		
20	Dedicated Special Revenue.....	\$8,602,858	\$8,602,858		
21	Federal Trust.....	\$7,294,832	\$7,294,832		

ITEM 94.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF AGRICULTURE AND FORESTRY</b>				
<b>2</b>	94.	Not set out.			
<b>3</b>	<b>§ 1-6. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)</b>				
<b>4</b>	95.	Not set out.			
<b>5</b>	96.	Not set out.			
<b>6</b>	97.	Agricultural Industry Marketing, Development,			
<b>7</b>		Promotion, and Improvement (53200).....		\$25,870,243	\$22,642,069
<b>8</b>					\$23,112,460
<b>9</b>		Grading and Certification of Virginia Products			
<b>10</b>		(53201).....	\$7,667,186	\$7,667,186	
<b>11</b>		Milk Marketing Regulation (53204).....	\$867,098	\$867,098	
<b>12</b>		Marketing Research (53205).....	\$301,714	\$301,714	
<b>13</b>		Market Virginia Agricultural and Forestry Products			
<b>14</b>		Nationally and Internationally (53206).....	\$4,920,038	\$4,961,701	
<b>15</b>		Agricultural Commodity Boards (53208).....	\$7,716,368	<del>\$6,946,531</del>	
<b>16</b>				\$7,416,922	
<b>17</b>		Agribusiness Development Services and Farmland			
<b>18</b>		Preservation (53209).....	\$4,397,839	\$1,897,839	
<b>19</b>		Fund Sources: General.....	\$12,322,168	<del>\$9,093,994</del>	
<b>20</b>				\$9,564,385	
<b>21</b>		Special.....	\$158,125	\$158,125	
<b>22</b>		Trust and Agency.....	\$7,120,404	\$7,120,404	
<b>23</b>		Dedicated Special Revenue.....	\$5,548,648	\$5,548,648	
<b>24</b>		Federal Trust.....	\$720,898	\$720,898	
<b>25</b>		Authority: Title 3.2, Chapters 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27,			
<b>26</b>		30, 32, 34, 35; Title 28.2, Chapter 2; and Title 61.1, Chapter 4, Code of Virginia.			
<b>27</b>		A. Agricultural Commodity Boards shall be paid from the special fund taxes levied in the			
<b>28</b>		following estimated amounts:			
<b>29</b>		1. To the Tobacco Board, \$143,000 the first year and \$143,000 the second year.			
<b>30</b>		2. To the Corn Board, \$390,000 the first year and \$390,000 the second year.			
<b>31</b>		3. To the Egg Board, \$210,000 the first year and \$210,000 the second year.			
<b>32</b>		4. To the Soybean Board, \$1,164,000 the first year and \$1,164,000 the second year.			
<b>33</b>		5. To the Peanut Board, \$320,000 the first year and \$320,000 the second year.			
<b>34</b>		6. To the Cattle Industry Board, \$800,000 the first year and \$800,000 the second year.			
<b>35</b>		7. To the Virginia Small Grains Board, \$400,000 the first year and \$400,000 the second year.			
<b>36</b>		8. To the Virginia Horse Industry Board, \$320,000 the first year and \$320,000 the second			
<b>37</b>		year.			
<b>38</b>		9. To the Virginia Sheep Industry Board, \$35,000 the first year and \$35,000 the second year.			
<b>39</b>		10. To the Virginia Potato Board, \$25,000 the first year and \$25,000 the second year.			
<b>40</b>		11. To the Virginia Cotton Board, \$180,000 the first year and \$180,000 the second year.			
<b>41</b>		12. To the State Apple Board, \$150,000 the first year and \$150,000 the second year.			
<b>42</b>		B. Each commodity board is authorized to expend funds in accordance with its authority as			
<b>43</b>		stated in the Code of Virginia. Such expenditures will be limited to available revenue levels.			



ITEM 97.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C. Each commodity board specified in this Item shall provide an annual notification to its			
2	excise tax paying producers which summarizes the purpose of the board and the excise			
3	tax, current tax rate, amount of excise taxes collected in the previous tax year, the previous			
4	fiscal year expenditures and the board's past year activities. The manner of notification			
5	shall be determined by each board.			
6	D. Out of the amounts in this Item shall be paid from certain special fund license taxes,			
7	license fees, and permit fees levied or imposed under Title 28.2, Chapters 2, 3, 4, 5, 6 and			
8	7, Code of Virginia, to the Virginia Marine Products Board, \$402,543 and two positions			
9	the first year and \$402,543 and two positions the second year.			
10	E. Out of the amounts in this Item, \$2,782,245 the first year and <del>\$2,012,408</del> \$2,482,799			
11	the second year from the general fund shall be deposited to the Virginia Wine Promotion			
12	Fund as established in § 3.2-3005, Code of Virginia.			
13	F. Out of the amounts in this Item, \$250,000 the first year and \$1,000,000 the second year			
14	from the general fund shall be deposited to the Virginia Farmland Preservation Fund			
15	established in § 3.2-201, Code of Virginia. This appropriation shall be deemed sufficient			
16	to meet the provisions of § 2.2-1509.4, Code of Virginia.			
17	G. Out of the amounts in this Item, the Commissioner is authorized to expend from the			
18	general fund amounts not to exceed \$25,000 the first year and \$25,000 the second year for			
19	entertainment expenses commonly borne by businesses. Further, such expenses shall be			
20	recorded separately by the agency.			
21	H. Out of the amounts in this Item, the Commissioner is authorized to expend \$1,120,226			
22	the first year and \$1,120,226 the second year from the general fund for the promotion of			
23	Virginia's agricultural products overseas. Such efforts shall be conducted in concert with			
24	the international offices opened by the Virginia Economic Development Partnership.			
25	I. Out of the amounts in this Item, \$25,000 the first year and \$25,000 the second year from			
26	the general fund shall be provided to support 4-H and Future Farmers of America youth			
27	participation educational costs at the State Fair of Virginia. These funds shall not be used			
28	for administrative costs by the State Fair.			
29	J. Out of the amounts in this item, \$250,000 the first year from the general fund shall be			
30	provided in support of critical infrastructure upgrades at the Holiday Lake 4-H Center.			
31	K. Out of the amounts in this item, \$3,125,000 the first year and \$125,000 the second year			
32	from the general fund is provided for the Department to operate the Virginia Food Access			
33	Investment Program consistent with the provisions of House Bill 1509 and Senate Bill			
34	1073 of the 2020 Session of the General Assembly.			
35	98.	Not set out.		
36	99.	Not set out.		
37	100.	Not set out.		
38	101.	Not set out.		
39	102.	Not set out.		
40	103.	Not set out.		
41	104.	Not set out.		
42	105.	Not set out.		
43	106.	Not set out.		

ITEM 106.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	106.10	Not set out.			
2		Total for Department of Agriculture and Consumer			
3		Services.....			
4				\$82,112,579	\$81,028,948
5					\$81,499,339
5		General Fund Positions.....	344.00	349.99	
6		Nongeneral Fund Positions.....	214.00	219.01	
7		Position Level.....	558.00	569.00	
8		Fund Sources: General.....	\$43,871,662	<del>\$42,788,031</del>	
9				\$43,258,422	
10		Special.....	\$7,347,613	\$7,347,613	
11		Trust and Agency.....	\$7,288,394	\$7,288,394	
12		Dedicated Special Revenue.....	\$10,464,327	\$10,464,327	
13		Federal Trust.....	\$13,140,583	\$13,140,583	
14	107.	Not set out.			
15	107.10	Not set out.			
16	108.	Not set out.			
17	109.	Not set out.			
18	110.	Not set out.			
19		TOTAL FOR OFFICE OF AGRICULTURE AND			
20		FORESTRY.....			
21				\$122,155,197	\$122,362,223
22					\$122,832,614
22		General Fund Positions.....	512.59	518.58	
23		Nongeneral Fund Positions.....	337.41	342.42	
24		Position Level.....	850.00	861.00	
25		Fund Sources: General.....	\$64,801,208	<del>\$65,008,234</del>	
26				\$65,478,625	
27		Special.....	\$21,483,784	\$21,483,784	
28		Trust and Agency.....	\$7,394,932	\$7,394,932	
29		Dedicated Special Revenue.....	\$11,044,537	\$11,044,537	
30		Federal Trust.....	\$17,430,736	\$17,430,736	

ITEM 111.	Item Details(\$)		Appropriations(\$)		
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
<b>1</b>	<b>OFFICE OF COMMERCE AND TRADE</b>				
<b>2</b>	<b>§ 1-7. SECRETARY OF COMMERCE AND TRADE (192)</b>				
<b>3</b>	111.	Not set out.			
<b>4</b>	111.10	Not set out.			
<b>5</b>	<b>§ 1-8. SECRETARY OF COMMERCE AND TRADE (192)</b>				
<b>6</b>	<b>Economic Development Incentive Payments (312)</b>				
<b>7</b>	112.	Economic Development Services (53400).....		\$70,491,733	<del>\$75,915,483</del>
<b>8</b>					<del>\$79,585,483</del>
<b>9</b>		Financial Assistance for Economic Development			
<b>10</b>		(53410).....	\$70,491,733	<del>\$75,915,483</del>	
<b>11</b>				<del>\$79,585,483</del>	
<b>12</b>		Fund Sources: General.....	\$70,341,733	<del>\$75,765,483</del>	
<b>13</b>				<del>\$79,435,483</del>	
<b>14</b>		Dedicated Special Revenue.....	\$150,000	\$150,000	
<b>15</b>	Authority: Discretionary Inclusion.				
<b>16</b>	A.1. Out of the appropriation for this Item, \$19,750,000 the first year and <del>\$19,750,000</del>				
<b>17</b>	<del>\$21,250,000</del> the second year from the general fund shall be deposited to the				
<b>18</b>	Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of				
<b>19</b>	Virginia. Such funds shall be used at the discretion of the Governor, subject to prior				
<b>20</b>	consultation with the Chairmen of the House Appropriations and Senate Finance				
<b>21</b>	Committees, to attract economic development prospects to locate or expand in Virginia. If				
<b>22</b>	the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines				
<b>23</b>	that a project is of regional or statewide interest and elects to waive the requirement for a				
<b>24</b>	local matching contribution, such action shall be included in the report on expenditures				
<b>25</b>	from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F.,				
<b>26</b>	Code of Virginia. Such report shall include an explanation on the jobs anticipated to be				
<b>27</b>	created, the capital investment made for the project, and why the waiver was provided.				
<b>28</b>	2. The Governor may allocate these funds as grants or loans to political subdivisions.				
<b>29</b>	Loans shall be approved by the Governor and made in accordance with procedures				
<b>30</b>	established by the Virginia Economic Development Partnership and approved by the State				
<b>31</b>	Comptroller. Loans shall be interest-free unless otherwise determined by the Governor				
<b>32</b>	and shall be repaid to the general fund of the state treasury. The Governor may establish				
<b>33</b>	the interest rate to be charged, otherwise, any interest charged shall be at market rates as				
<b>34</b>	determined by the State Treasurer and shall be indicative of the duration of the loan. The				
<b>35</b>	Virginia Economic Development Partnership shall be responsible for monitoring				
<b>36</b>	repayment of such loans and reporting the receivables to the State Comptroller as				
<b>37</b>	required.				
<b>38</b>	3. Funds may be used for public and private utility extension or capacity development on				
<b>39</b>	and off site; road, rail, or other transportation access costs beyond the funding capability				
<b>40</b>	of existing programs; site acquisition; grading, drainage, paving, and other activity				
<b>41</b>	required to prepare a site for construction; construction or build-out of publicly-owned				
<b>42</b>	buildings; grants or loans to an industrial development authority, housing and				
<b>43</b>	redevelopment authority, or other political subdivision pursuant to their duties or powers;				
<b>44</b>	training; or anything else permitted by law.				
<b>45</b>	4. Consideration should be given to economic development projects that 1) are in areas of				
<b>46</b>	high unemployment; 2) link commercial development along existing transportation/transit				
<b>47</b>	corridors within regions; and 3) are located near existing public infrastructure.				
<b>48</b>	5. It is the intent of the General Assembly that the Virginia Economic Development				

ITEM 112.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Partnership shall work with localities awarded grants from the Commonwealth's Development				
2	Opportunity Fund to recover such moneys when the economic development projects fail to				
3	meet minimal agreed-upon capital investment and job creation targets. All such recoveries				
4	shall be deposited and credited to the Commonwealth's Development Opportunity Fund.				
5	6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or				
6	business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund				
7	may be used to assist Prince George County with site improvements related to the location of				
8	a major aerospace engine manufacturer to the Commonwealth.				
9	B.1. Out of the appropriation for this Item, \$4,946,900 the first year and \$4,381,900 the				
10	second year from the general fund shall be deposited to the Investment Performance Grant				
11	subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment				
12	performance grants in accordance with § 2.2-5101, Code of Virginia.				
13	2. Consideration should be given to economic development projects that 1) are in areas of				
14	high unemployment; 2) link commercial development along existing transportation/transit				
15	corridors within regions; and 3) are located near existing public infrastructure.				
16	C. Out of the appropriation for this Item, \$3,000,000 the first year and \$4,000,000 the second				
17	year from the general fund and an amount estimated at \$150,000 the first year and \$150,000				
18	the second year from nongeneral funds shall be deposited to the Governor's Motion Picture				
19	Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund				
20	revenues shall be deposited to the fund from revenues generated by the digital media fee				
21	established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the				
22	discretion of the Governor to attract film industry production activity to the Commonwealth.				
23	D.1. Out of the appropriation for this Item, \$1,000,000 the first year and \$1,000,000 the				
24	second year from the general fund shall be deposited to the Virginia Economic Development				
25	Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay				
26	investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.				
27	2. Consideration should be given to economic development projects that 1) are in areas of				
28	high unemployment; 2) link commercial development along existing transportation/transit				
29	corridors within regions; and 3) are located near existing public infrastructure.				
30	3. Notwithstanding § 2.2-5102.1.E. or any other provision of law, and subject to appropriation				
31	by the General Assembly, up to \$8,000,000 in economic development incentive grants is				
32	authorized for eligible projects to be awarded on or after July 1, 2017, but before June 30,				
33	2019. Any eligible project awarded such grants shall be subject to the conditions set forth in §				
34	2.2-5102.1. Any additional grant awards not authorized by this act, including any awards after				
35	June 30, 2019, shall require separate legislation.				
36	E. Out of the appropriation for this Item, \$4,669,833 the first year and \$4,669,833 the second				
37	year from the general fund shall be available for eligible businesses under the Virginia Jobs				
38	Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for				
39	the Virginia Jobs Investment Program for eligible businesses shall be deposited to the				
40	Virginia Jobs Investment Program Fund.				
41	F. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year				
42	from the general fund may be provided to the Virginia Economic Development Partnership to				
43	facilitate additional domestic and international marketing and trade missions approved by the				
44	Governor. The Director, Department of Planning and Budget, is authorized to provide these				
45	funds to the Virginia Economic Development Partnership upon written approval of the				
46	Governor.				
47	G. Out of the appropriation for this Item, \$20,000,000 the first year from the general fund				
48	shall be deposited to the Semiconductor Manufacturing Grant Fund for the award of grants to				
49	a qualified semiconductor manufacturing company in a qualified locality in accordance with §				
50	59.1-284.32, Code of Virginia, and subject to performance metrics agreed to in a				
51	memorandum of understanding with the Commonwealth.				
52	H. Out of the appropriation in this Item, \$8,000,000 the first year and \$8,000,000 second year				
53	from the general fund shall be deposited to the Advanced Shipbuilding Production Facility				
54	Grant Fund for grants to be paid in accordance with § 59.1-284.29, Code of Virginia.				

ITEM 112.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	I. Out of the appropriation in this Item, \$5,310,000 the first year and \$5,190,000 the			
2	second year from the general fund shall be deposited to the Special Workforce Grant Fund			
3	for grants to be paid in accordance with § 59.1-284.30, Code of Virginia.			
4	J. Out of the appropriation in this Item, \$2,000,000 the first year and \$2,000,000 the			
5	second year from the general fund shall be deposited to a special, nonreverting fund for			
6	the award of grants to a qualified truck manufacturing company in a qualified locality in			
7	accordance with § 59.1-284.33, Code of Virginia.			
8	K.1. Out of the appropriation in this Item, \$730,000 the first year and \$2,993,750 the			
9	second year from the general fund shall be deposited to a special, nonreverting fund for			
10	the award of grants in accordance with § 59.1-284.36, Code of Virginia.			
11	2. Of the amounts deposited to the fund, \$2,500,000 the second year may be awarded as			
12	grants to a qualified pharmaceutical company in a qualified locality pursuant to § 59.1-			
13	284.35 and 59.1-284.36, Code of Virginia.			
14	3. Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second			
15	year may be awarded as grants to a comprehensive community college and a baccalaureate			
16	public institution of higher education in or near the eligible county pursuant to § 59.1-			
17	284.37, Code of Virginia.			
18	L. Out of the appropriation in this Item, \$500,000 the second year from the general fund			
19	shall be deposited to a special, nonreverting fund for the award of grants to a qualified			
20	advanced production company in a qualified locality in accordance with § 59.1-284.34,			
21	Code of Virginia.			
22	M.1. Out of the amounts in this item, \$425,000 the first year and \$825,000 the second year			
23	from the general fund shall be deposited to the Governor's New Airline Service Incentive			
24	Fund to assist in the provision of marketing, advertising, or promotional activities by			
25	airlines in connection with the launch of new air passenger service at Virginia airports,			
26	and to incentivize airlines that have committed to commencing new air passenger service			
27	in Virginia, pursuant to the provisions of § 2.2-2320.1, Code of Virginia.			
28	2. Notwithstanding the provisions of § 2.2-2320.1, Code of Virginia, 25 percent of the			
29	annual appropriation to the Governor's New Airline Service Incentive Fund shall be set			
30	aside for projects in Virginia commercial airports with less than 400,000 enplanements per			
31	calendar year for the purposes of economic development in these areas. Enplanement data			
32	shall come from the Federal Aviation Administration.			
33	N. Out of the appropriation in this Item, \$5,625,000 the second year from the general fund			
34	shall be deposited to a special, nonreverting fund for the award of grants to a qualified			
35	technology company in a qualified locality in accordance with Senate Bill 1156 of the			
36	2021 General Assembly, Special Session I and subject to performance metrics agreed to in			
37	a memorandum of understanding with the Commonwealth.			
38	O.1. Out of the amounts in this item, \$10,000,000 the second year from the general fund			
39	shall be provided to the City of Petersburg for expenses incurred from the installation of a			
40	water tank and associated infrastructure at a chemical plant complex in the city. The water			
41	tank and associated infrastructure shall be adequate to ensure the water pressure can			
42	support the minimum fire protection and manufacturing needs of a regional			
43	pharmaceutical manufacturing cluster.			
44	2. Disbursement of these funds shall require an executed memorandum of understanding			
45	with the Virginia Economic Development Partnership and the City of Petersburg by a			
46	pharmaceutical manufacturer that sets forth the requirements for capital investments and			
47	the creation of new full-time jobs. Such requirements shall include at a minimum, new			
48	capital investments of \$105,800,000 and the creation of 88 new full-time jobs in the City			
49	of Petersburg.			
50	3. Disbursement of these funds is contingent upon the City of Petersburg executing a loan			
51	through the Department of Environmental Quality's Virginia Clean Water Revolving Loan			
52	Fund to address sewer improvements at the chemical plant complex. The amount of the			
53	loan shall be sufficient to provide water and sewer improvements necessary to sustain a			

ITEM 112.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	regional pharmaceutical manufacturing cluster, including the construction of a pump station			
2	that will substantially increase sewer capacity.			
3	P. Out of the appropriation in this item, \$6,330,000 the second year from the general fund			
4	shall be deposited to a special, nonreverting fund for the award of grants to a qualified			
5	shipping and logistics company in a qualified locality in accordance with House Bill 5001 of			
6	the 2021 General Assembly, Special Session I and subject to performance metrics agreed to in			
7	a memorandum of understanding with the Commonwealth.			
8	Q. Notwithstanding any provisions of § 30-310, Code of Virginia, the MEI Commission shall			
9	only be required to review economic development incentive packages in which a business			
10	relocates or expands its operations in one or more Virginia localities and simultaneously			
11	closes its operations or substantially reduces the number of its employees in another Virginia			
12	locality that exceed \$250,000 in aggregate incentive investments.			
13	<i>R.1. Out of the amounts in this Item, \$8,500,000 the second year from the general fund shall</i>			
14	<i>be provided to the County of Wythe for expenses related to the installation of a water tank in</i>			
15	<i>Progress Park, wastewater treatment plant improvements, and wastewater line extensions in</i>			
16	<i>the County. The improvements are meant to enhance infrastructure for businesses in Progress</i>			
17	<i>Park and properties in the surrounding area, including a nitrile butadiene rubber production</i>			
18	<i>plant and a medical-grade glove manufacturing facility (together, the "New Businesses") in</i>			
19	<i>Progress Park.</i>			
20	<i>2. Disbursement of these funds shall be at the discretion of the Virginia Economic</i>			
21	<i>Development Partnership Authority, based upon arrangements with the County of Wythe and</i>			
22	<i>the New Businesses setting forth the terms and conditions of the distribution to the County of</i>			
23	<i>Wythe and any expected repayment, should the New Businesses fall short of their promises to</i>			
24	<i>invest at least \$714.1 million at Progress Park, and to create at least 2,464 new jobs related</i>			
25	<i>to their operations at Progress Park.</i>			
26	112.10	Not set out.		
27		Total for Economic Development Incentive		
28		Payments.....		<b>\$70,491,733</b>
29				<b>\$75,915,483</b>
30		Fund Sources: General.....	\$70,341,733	<del>\$75,765,483</del>
31				<del>\$79,435,483</del>
32		Dedicated Special Revenue.....	\$150,000	\$150,000
33		Grand Total for Secretary of Commerce and Trade....		<b>\$70,491,733</b>
34				<b>\$75,915,483</b>
35		Fund Sources: General.....	\$70,341,733	<del>\$75,765,483</del>
36				<del>\$79,435,483</del>
37		Dedicated Special Revenue.....	\$150,000	\$150,000
38	113.	Not set out.		
39	114.	Not set out.		
40	115.	Not set out.		
41	116.	Not set out.		
42	117.	Not set out.		
43	118.	Not set out.		
44	118.10	Not set out.		

ITEM 119.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	119.	Not set out.			
2	120.	Regulation of Business Practices (55200).....		\$1,898,182	\$2,019,903
3		Labor Law Services (55206).....		\$1,898,182	\$2,019,903
4		Fund Sources: General.....		\$1,898,182	\$2,019,903
5	Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.				
6	A. Out of the amounts in this item, \$421,721 the first year and \$843,442 the second year				
7	from the general fund is provided to support additional positions within the Labor and				
8	Employment Law Division, including one attorney, one supervisor, one administrative				
9	staff, and five investigators.				
10	B.1. The Department shall report to the Chairs of the House Appropriations and Senate				
11	Finance and Appropriations Committees, and the Director, Department of Planning and				
12	Budget, by November 1 of each year on the state's minimum wage program, including, but				
13	not limited to, the number of (i) customer contacts concerning minimum wage, (ii)				
14	minimum wage claims processed, (iii) cases with wages collected, (iv) cases with claims				
15	ruled invalid, (v) cases with final orders issued, and (vi) cases cleared within 90 days.				
16	<del>2. The Department shall report to the Chairs of the House Appropriations and Senate</del>				
17	<del>Finance and Appropriations Committees, and the Director, Department of Planning and</del>				
18	<del>Budget, by November 1 of each year on the state's earned paid sick leave program,</del>				
19	<del>including, but not limited to, the number of (i) customer contacts concerning earned paid</del>				
20	<del>sick leave, (ii) sick leave claims processed, (iii) cases with earned paid sick leave claims</del>				
21	<del>resolved, whether for accrual of time, use of time, notice and posting, or retaliation (iv)</del>				
22	<del>claims not substantiated, (v) cases taken to court, and (vi) cases cleared within 90 days,</del>				
23	<del>not to include cases adjudicated in court.</del>				
24	3. The Department shall report to the Chairs of the House Appropriations and Senate				
25	Finance and Appropriations Committees, and the Director, Department of Planning and				
26	Budget, by November 1 of each year on the state's anti-discrimination in payment of wage				
27	program, including, but not limited to, the number of (i) customer contacts concerning				
28	discrimination involving payment of wage complaints or proceedings, (ii) payment of				
29	wage discrimination complaints processed, (iii) meritorious complaints with payment of				
30	wage discrimination resolved with either reinstatement or recovery of lost wages, (iv) non				
31	meritorious complaints, i.e. cases with no adverse action or no protected activity, and (v)				
32	cases taken to court.				
33	4. The Department shall report to the Chairs of the House Appropriations and Senate				
34	Finance and Appropriations Committees, and the Director, Department of Planning and				
35	Budget, by November 1 of each year on the state's anti-discrimination in worker				
36	misclassification program, including, but not limited to, the number of (i) customer				
37	contacts concerning discrimination involving worker misclassification, (ii) discrimination				
38	in worker misclassification claims processed, (iii) meritorious complaints with worker				
39	misclassification wage discrimination resolved with either reinstatement and/or recovery				
40	of lost wages, (iv) non meritorious complaints, i.e. cases with no adverse action or no				
41	protected activity, and (v) cases taken to court.				
42	5. The Department shall report to the Chairs of the House Appropriations and Senate				
43	Finance and Appropriations Committees, and the Director, Department of Planning and				
44	Budget, by November 1 of each year on the state's prevailing wage rate program,				
45	including, but not limited to, the number of (i) contacts from state agencies to determine				
46	the proper prevailing wage, (ii) prevailing wage determinations for the involved planning				
47	district calculated using Davis-Bacon rates for the cities and counties within the planning				
48	district, and (iii) contractor provided scale of pay and fringe benefits certified and				
49	received.				
50	C. Out of the amounts included in this appropriation, \$300,000 in the first year from the				
51	general fund is provided to support the labor law and state capital construction process				
52	workgroup and related infrastructure established in paragraphs B., C., and D. of Item				
53	111.10 of this act. The funds may be used to hire outside consultants, or cover any				
54	additional costs that the Chief Workforce Development Advisor/new Secretary of Labor				
55	created by House Bill 2321, 2021 General Assembly recommends to effectuate the				

ITEM 120.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	provisions outlined in Item 111.10 in the aforementioned paragraphs. The Director of the			
2	Department of Planning and Budget is authorized to transfer the amounts contained in this			
3	paragraph to the Chief Workforce Development Advisor/new Secretariat created by House			
4	Bill 2321, 2021 General Assembly. These funds shall not revert back to the general fund at			
5	the end of the fiscal year. These funds shall not be used or otherwise obligated for any other			
6	purpose.			
7	121.	Not set out.		
8	122.	Not set out.		
9	123.	Not set out.		
10	123.10	Not set out.		
11				
	Total for Department of Labor and Industry.....			<b>\$19,719,127</b> <b>\$21,331,418</b>
12	General Fund Positions.....	134.55	134.55	
13	Nongeneral Fund Positions.....	73.45	73.45	
14	Position Level.....	208.00	208.00	
15	Fund Sources: General.....	\$11,630,408	\$13,242,699	
16	Special.....	\$1,974,282	\$1,974,282	
17	Federal Trust.....	\$6,114,437	\$6,114,437	
18	124.	Not set out.		
19	125.	Not set out.		
20	126.	Not set out.		
21	126.10	Not set out.		
22	127.	Not set out.		
23	128.	Not set out.		
24	128.10	Not set out.		
25	129.	Not set out.		
26	<b>§ 1-10. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)</b>			
27	130.			
28	Economic Development Services (53400).....			\$34,802,309 <del>\$43,752,309</del> \$193,752,309
29	Economic Development Services (53412).....	\$34,802,309	<del>\$43,752,309</del> \$193,752,309	
30				
31	Fund Sources: General.....	\$34,802,309	<del>\$43,752,309</del> \$193,752,309	
32				
33	Authority: Title 2.2, Chapter 22, Article 4 and Chapter 51; and § 15.2-941, Code of Virginia.			
34	A. Upon authorization of the Governor, the Virginia Economic Development Partnership may			
35	transfer funds appropriated to it by this act to a nonstock corporation.			
36	B. Prior to July 1 of each fiscal year, the Virginia Economic Development Partnership shall			
37	provide to the Chairmen of the House Appropriations and Senate Finance Committees and the			
38	Director, Department of Planning and Budget a report of its operational plan. Prior to			
39	November 1 of each fiscal year, the Partnership shall provide to the Chairmen of the House			
40	Appropriations and Senate Finance Committees and the Director, Department of Planning and			



ITEM 130.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Budget a detailed expenditure report and a listing of the salaries and bonuses for all			
2	partnership employees for the prior fiscal year. All three reports shall be prepared in the			
3	formats as previously approved by the Department of Planning and Budget.			
4	C. In developing the criteria for any pay for performance plan, the board shall include, but			
5	not be limited to, these variables: 1) the number of economic development prospects			
6	committed to move to or expand operations in Virginia; 2) dollar investment made in			
7	Virginia for land acquisition, construction, buildings, and equipment; 3) number of full-			
8	time jobs directly related to an economic development project; and 4) location of the			
9	project. To that end, the pay for performance plan shall be weighted to recognize and			
10	reward employees who successfully recruit new economic development prospects or cause			
11	existing prospects to expand operations in localities with fiscal stress greater than the			
12	statewide average. Fiscal Stress shall be based on the Index published by the Commission			
13	on Local Government. If a prospect is physically located in more than one contiguous			
14	locality, the highest Fiscal Stress Index of the participating localities will be used.			
15	D. The State Comptroller shall disburse the first and second year appropriations in twelve			
16	equal monthly installments. The Director, Department of Planning and Budget may			
17	authorize an increase in disbursements for any month, not to exceed the total appropriation			
18	for the fiscal year, if such an advance is necessary to meet payment obligations.			
19	E. The Virginia Economic Development Partnership shall provide administrative and			
20	support services for the Virginia Tourism Authority as prescribed in the Memorandum of			
21	Agreement until July 1, 2022, or until the authority is able to provide such services.			
22	F. The Virginia Economic Development Partnership shall report one month after the close			
23	of each quarter to the Chairmen of the Senate Finance and House Appropriations			
24	Committees on the Commonwealth's Development Opportunity Fund. The report shall			
25	include, but not be limited to, total appropriations made or transferred to the fund, total			
26	grants awarded, cash balances, and balances available for future commitments.			
27	G. Prior to purchasing airline and hotel accommodations related to overseas trade shows,			
28	the Virginia Economic Development Partnership shall provide an itemized list of			
29	projected costs for review by the Secretary of Commerce and Trade.			
30	H.1. Out of the amounts in this Item, \$2,250,000 in the first year and \$2,250,000 in the			
31	second year from the general fund shall be deposited in the Virginia Brownfields			
32	Restoration and Economic Redevelopment Assistance Fund established pursuant to §			
33	<a href="#">10.1-1237</a> , Code of Virginia.			
34	2. Guidelines developed by the Virginia Economic Development Partnership, in			
35	consultation with the Department of Environmental Quality, governing the use of the Fund			
36	shall provide for grants of up to \$500,000 for site remediation and include a requirement			
37	that sites with potential for redevelopment and economic benefits to the surrounding			
38	community be prioritized for consideration of such grants.			
39	I. Any requests for administrative or staff support for the Committee on Business			
40	Development and Marketing or the Committee on International Trade established to			
41	advise the Virginia Economic Development Partnership shall be directed to, and are			
42	subject to the approval of, the Chairman or the Chief Executive Officer of the Virginia			
43	Economic Development Partnership.			
44	J. Out of the amounts in this item, \$5,020,387 the first year and \$7,370,387 the second			
45	year from the general fund is provided to support the development of a workforce program			
46	to provide training and recruitment services to select companies locating or expanding in			
47	the Commonwealth.			
48	K. Out of the amounts in this item, \$562,500 the first year and <del>\$5,562,000</del> \$155,562,500			
49	the second year from the general fund is provided to characterize, inventory, and develop			
50	economic sites in the Commonwealth.			
51	L.1. Out of the amounts in this Item, \$500,000 the second year from the general fund is			
52	provided to establish the Office of Education and Labor Market Alignment in accordance			
53	with Senate Bill 1314 of the 2021 General Assembly, Special Session I.			

ITEM 130.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. Notwithstanding any provision of law, the Office of Labor Market Alignment (the Office)				
2	shall serve as a resource for education and workforce programs administered by state				
3	government to better inform programmatic decisions on workforce education and training.				
4	Additionally, the Office shall serve as a guide and resource for the Governor and the General				
5	Assembly in determining strategic education and workforce investments in current and future				
6	education and workforce training programs with a particular focus on those programs				
7	supported with state general fund dollars. The Office shall communicate relevant information				
8	in a clear and concise manner to better enable policy makers and decision makers to navigate				
9	the complex, often confusing connections between education and the labor market.				
10	3. The Virginia Economic Development Partnership shall include in its annual report, due on				
11	November 1st of each year, an update on the activities of the Office of Labor Market and				
12	Alignment.				
13	M. Out of the amounts in this Item, \$1,100,000 the second year from the general fund is				
14	provided to support implementation of Virginia's International Trade Plan. Out of the amounts				
15	provided in this paragraph, \$330,000 shall be used to increase Virginia's capacity to leverage				
16	federal trade funding, and \$370,000 shall be used to support businesses with supply chain				
17	security. The remaining funds shall be used to expand current trade programs managed by the				
18	Partnership including the Virginia Leaders in Export Trade program.				
19	130.10 Not set out.				
20	Total for Virginia Economic Development				
21	Partnership.....			\$34,802,309	\$43,752,309
22					\$193,752,309
23	Fund Sources: General.....	\$34,802,309	\$43,752,309		
24			\$193,752,309		
25	131. Not set out.				
26	132. Not set out.				
27	133. Not set out.				
28	134. Not set out.				
29	134.10 Not set out.				
30	135. Not set out.				
31	TOTAL FOR OFFICE OF COMMERCE AND				
32	TRADE.....			\$1,153,560,612	\$1,218,093,176
33					\$1,371,763,176
34	General Fund Positions.....	421.23	444.23		
35	Nongeneral Fund Positions.....	1,301.77	1,318.77		
36	Position Level.....	1,723.00	1,763.00		
37	Fund Sources: General.....	\$398,108,768	\$462,547,996		
38			\$616,217,996		
39	Special.....	\$54,544,018	\$29,544,018		
40	Commonwealth Transportation.....	\$1,640,575	\$1,640,575		
41	Trust and Agency.....	\$549,733,725	\$546,529,069		
42	Dedicated Special Revenue.....	\$25,068,898	\$25,066,890		
43	Federal Trust.....	\$124,464,628	\$152,764,628		

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

1 **OFFICE OF EDUCATION**

2 136. Not set out.

3 **§ 1-11. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)**

4	137.	Instructional Services (18100).....			\$32,179,146	\$262,761,801
5		Public Education Instructional Services (18101).....	\$12,605,662	\$12,813,662		
6		Program Administration and Assistance for				
7		Instructional Services (18102).....	\$17,985,714	\$248,360,369		
8		Adult Education and Literacy (18104).....	\$1,587,770	\$1,587,770		
9		Fund Sources: General.....	\$10,474,990	\$10,582,990		
10		Special.....	\$300,000	\$300,000		
11		Commonwealth Transportation.....	\$279,612	\$279,612		
12		Trust and Agency.....	\$5,000	\$5,000		
13		Federal Trust.....	\$21,119,544	\$251,594,199		

14 Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of  
15 Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.

16 Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13,  
17 Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.

18 Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of  
19 Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.

20 Adult Education and Literacy: §§ [2.2-2472](#), [22.1-223-226](#), [22.1-253.13:1](#), [22.1-254.2](#),  
21 Code of Virginia; P.L. 105-220, Federal Code.

22 A. The Superintendent of Public Instruction is encouraged to implement  
23 school/community team training.

24 B. The Superintendent of Public Instruction shall provide direction and technical  
25 assistance to local school divisions in the revision of their Vocational Education  
26 curriculum and instructional practices.

27 C. The Superintendent of Public Instruction, in cooperation with the Commissioner of  
28 Social Services, shall encourage local departments of social services and local school  
29 divisions to work together to develop cooperative arrangements for the use of school  
30 resources, especially computer labs, for the purpose of training Temporary Assistance for  
31 Needy Families (TANF) recipients for the workforce.

32 D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may  
33 apply for grant funding to be used by local school divisions consistent with the provisions  
34 of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this  
35 agency shall be adjusted by the amount of the proceeds of any such grant awards.

36 E. 1. Out of the appropriations in this item, \$1,300,000 the first year and \$1,300,000 the  
37 second year from the general fund is provided to support students and teachers pursuing  
38 information technology industry certifications. The funding shall be used to provide  
39 outreach, training, instructional resources, industry recognized certification opportunities  
40 for teachers and students enrolled in Virginia public high schools and regional career and  
41 technical education programs, and information technology curriculum resources for use by  
42 students' parents.

43 2. The funds provided in this initiative shall be used to support the following priority  
44 objectives: a) increase the percentage of students enrolled in career and technical  
45 education courses who receive instruction in information technology leading to an  
46 increased number of students achieving industry recognized certifications in information  
47 technology; b) increase the number of high schools and regional career and technical  
48 education programs that receive the training and technical support to be ready to  
49 implement information technology curricula leading to increased statewide

ITEM 137.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	implementation and use; c) increase the number of teachers teaching targeted career and			
2	technical education courses and other high school teachers who receive training in			
3	information technology and in industry recognized certifications leading to an increased			
4	number of teachers achieving industry recognized certifications in information technology;			
5	and, d) support implementation of information technology curricula in school divisions in			
6	Southside and Southwest Virginia so that implementation in those regions is at least			
7	comparable to implementation in other regions of Virginia.			
8	F. Out of the appropriation in this Item, \$413,000 the first year and \$413,000 the second year			
9	from the general fund is provided for the Department of Education to continue a professional			
10	development program intended to increase the capacity of principals as school leaders in			
11	under-performing schools.			
12	G. Out of the appropriation in this Item, \$366,000 the first year and \$366,000 the second year			
13	from the general fund is provided to the Department of Education to assist local school			
14	divisions, as needed, to establish criteria for the professional development of teachers and			
15	principals on the subject of issues related to high-needs students.			
16	H. Out of this appropriation, \$1,450,000 the first year and \$1,750,000 the second year from			
17	the general fund is provided for the Virginia Kindergarten Readiness Program.			
18	a. Of this amount, \$1,350,000 the first year and \$1,350,000 the second year from the general			
19	fund is provided through the Department of Education to the University of Virginia to			
20	continue statewide implementation of the Virginia Kindergarten Readiness Program			
21	conducted in the fall, and to develop and implement a post-assessment upon the conclusion of			
22	the kindergarten year.			
23	b. The Department of Education shall coordinate with the University of Virginia's Center for			
24	Advanced Study of Teaching and Learning to ensure that all school divisions shall be required			
25	to have their kindergarten students assessed annually during the school year using the multi-			
26	dimensional kindergarten readiness assessment model. All school divisions shall be required			
27	to have their kindergarten students assessed with such model.			
28	c. Of this amount, \$300,000 the second year shall be allocated to the University of Virginia to			
29	support implementation of a pre-kindergarten version of the Virginia Kindergarten Readiness			
30	Program for four-year-old children enrolled in publicly-funded pre-kindergarten programs.			
31	d. Of this amount, \$100,000 the first year and \$100,000 the second year from the general fund			
32	shall be allocated to University of Virginia's Center for Advanced Study of Teaching and			
33	Learning to provide training to school divisions annually on how to effectively use Virginia			
34	Kindergarten Readiness Program data to improve instructional practices and student learning.			
35	Such teacher focused professional development and training shall be prioritized for the school			
36	divisions that would most benefit from state assistance in order to provide more time for			
37	classroom instruction and student learning.			
38	e. The Department and the University of Virginia's Center for Advanced Study of Teaching			
39	and Learning shall use the results of the multi-dimensional Virginia Kindergarten Readiness			
40	Program assessments to determine how well the Virginia Preschool Initiative promotes			
41	readiness in all key developmental domains assessed. The Department shall submit such			
42	findings using data from the prior year's fall assessment to the Chairmen of House			
43	Appropriations and Senate Finance Committees no later than October 1 each year.			
44	I. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the			
45	general fund is provided through the Department of Education to the University of Virginia's			
46	Center for Advanced Study of Teaching and Learning to ensure that teachers in select			
47	Virginia Preschool Initiative classrooms and publicly-funded early childhood programs			
48	receive appropriate individualized professional development training from professional			
49	development specialists to support quality teacher-child interactions and effective research-			
50	based curriculum implementation. Funding and professional development assistance shall be			
51	prioritized for teachers with Classroom Assessment Scoring System (CLASS) observation			
52	scores that did not meet the statewide minimum acceptable threshold standard established by			
53	the University of Virginia's Center for Advanced Study of Teaching and Learning and the			
54	Department of Education. The University of Virginia's Center for Advanced Study of			
55	Teaching and Learning, assisted on an as needed basis, by the Department of Education,			

ITEM 137.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Virginia Early Childhood Foundation, and Elevate Early Education to hire and train				
2	specialists to provide such individualized professional development. The University of				
3	Virginia's Center for Advanced Study of Teaching and Learning and the Training and				
4	Technical Assistance Centers funded by the Individuals with Disabilities Act (IDEA)				
5	through the Department of Education shall coordinate to ensure alignment of professional				
6	development and supports for teachers of children with special needs. In the event the				
7	University of Virginia does not require all funds from this appropriation to provide				
8	professional development, unused funds may be reallocated to cover the cost of				
9	conducting CLASS observations in publicly-funded classrooms.				
10	J. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the				
11	general fund is provided through the Department of Education to the University of				
12	Virginia to ensure that select Virginia Preschool Initiative and publicly-funded early				
13	childhood programs have the quality of their teacher-child interactions assessed through a				
14	rigorous and research-based classroom observational instrument at least once every two				
15	years using the CLASS observational instrument for such assessment. The University of				
16	Virginia, with input from the Department of Education and the use of its detailed plan for				
17	such assessments, has established a statewide minimum acceptable threshold for the				
18	quality of teacher-child interactions for Virginia Preschool Initiative classroom programs,				
19	and classrooms that are assessed below the threshold receive additional technical				
20	assistance from the Department of Education and the University of Virginia. The threshold				
21	shall be reviewed and re-affirmed no later than the beginning of the 2021-2022 school				
22	year. The University of Virginia's Center for Advanced Study of Teaching and Learning				
23	shall submit a progress report on such classroom observations to the Chairmen of House				
24	Appropriations and Senate Finance Committees no later than June 30 each year. In the				
25	event that the University of Virginia does not require all funds from this appropriation to				
26	conduct classroom observations, unused funds may be reallocated to cover the cost of				
27	providing professional development to classrooms.				
28	K. The Superintendent of Public Instruction shall convene a work group to develop and				
29	establish a plan to transfer the Child Care Development Fund grant from the Virginia				
30	Department of Social Services to the Virginia Department of Education no later than July				
31	1, 2021. The work group shall include representatives of (i) the Secretariats of Education				
32	and Health and Human Resources; (ii) relevant state agencies, including the Department				
33	of Planning and Budget, the Office of the Attorney General, the Department of Education,				
34	and the Department of Social Services; (iii) relevant regulatory boards, including the				
35	Board of Education; and (iv) the House Committee on Appropriations and the Senate				
36	Committee on Finance and Appropriations. The goal of this transfer is to house				
37	responsibility of child care and education programs under one agency. The plan shall be				
38	submitted to the Governor and the Chairs of the House Appropriations and Senate Finance				
39	and Appropriations Committees no later than August 15, 2020. Such plan shall confirm				
40	the funding amounts and positions that need to be transferred between the impacted				
41	agencies, and shall identify any savings or additional costs associated with the transfer of				
42	these programs. The review shall also assess any potential administrative impacts on the				
43	Department of Social Services and the Department of Education.				
44	L. 1. Out of this appropriation, \$3,055,524 the second year from nongeneral funds shall be				
45	transferred to the Department of Social Services to address costs associated with				
46	administration of the Child Care and Development Fund.				
47	2. The Department of Social Services and the Department of Education shall ensure that				
48	the Temporary Assistance for Needy Families (TANF) Virginia Initiative for Employment				
49	and Work (VIEW) mandated child care forecast is funded through a combination of				
50	general fund, TANF, and Child Care Development Fund (CCDF) grant dollars. The				
51	amount of needed CCDF dollars identified in the Memorandum of Agreement between the				
52	agencies shall be transferred from the Department of Education to the Department of				
53	Social Services within the first thirty days of the fiscal year. The Department of Social				
54	Services shall notify the Department of Education of the required amount of the next fiscal				
55	year transfer upon the enrollment of the budget. This amount shall reflect the need				
56	identified in the official forecast as well as changes resulting from actions in the final				
57	budget.				
58	M. The Department of Education, in collaboration with the Department of Social Services,				

ITEM 137.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall prepare an annual Child Care and Development Fund (CCDF) report that reflects all			
2	CCDF expenditures from the previous fiscal year, current grant balances, as well as all			
3	anticipated spending for the current and two subsequent fiscal years. Identified spending			
4	should, at a minimum, be broken down by subsidies (mandated and discretionary),			
5	administrative costs, and quality efforts. In addition, this plan should report, by locality, the			
6	number of subsidies (mandated and discretionary) provided, number of providers receiving			
7	CCDF dollars, the overall number of child care providers, and the waitlist for services. This			
8	information should be provided the previous fiscal year, current fiscal year, and two			
9	subsequent fiscal years. The plan shall also include an appendix with the most recently			
10	completed CCDF annual report as required by the federal Office of Child Care. The			
11	department shall submit the report by October 1 of each year to the Governor and the Chairs			
12	of the House Appropriations and Senate Finance and Appropriations Committees. In addition,			
13	the department shall post this report on its website along with any reports from previous fiscal			
14	years.			
15	N. The University of Virginia shall provide financial information for the last five fiscal years			
16	related to the Phonological Awareness Literacy Screening (PALS) program to the Department			
17	of Education. Such information shall include revenues and expenditures by category, and			
18	shall differentiate revenues and expenditures related to the PALS program for the benefit of			
19	(i) Virginia public school students and (ii) all other students. The Department shall submit			
20	such information to the Chairs of the House Appropriations and Senate Finance and			
21	Appropriations Committees no later than December 1, 2020.			
22	O. Notwithstanding any other provision of law, the Department of Education shall have			
23	temporary authority to make any changes to the Child Care and Development Fund (CCDF)			
24	State Plan, request waivers from the federal Office of Child Care, change eligibility criteria			
25	for benefits and services, and payment levels for the Child Care Subsidy Program in response			
26	to the COVID-19 pandemic and new authorities and funding made available by the federal			
27	government to effect those policies necessary to ensure that benefits are available to eligible			
28	populations in response to COVID-19. Prior to the implementation of any change, the			
29	Department of Education must receive written approval from the Governor. Within 15 days of			
30	implementing changes in response to COVID-19, the Department of Education shall send a			
31	list of such actions to the Director of the Department of Planning and Budget and the Chairs			
32	of the House Appropriations and Senate Finance and Appropriations Committees. The			
33	provisions of this paragraph, as well as any actions implemented under its authority, shall be			
34	in accordance with the Governor's emergency declaration for COVID-19 and be in effect for			
35	the period specified therein following the July 1, 2021, transfer of the CCDF grant from the			
36	Virginia Department of Social Services to the Virginia Department of Education.			
37	P. The Department of Education shall conduct a review of Family Life Education in the			
38	Commonwealth. Each school division shall report to the Department on whether the division			
39	offers Family Life Education; how medical accuracy of the curriculum is determined; whether			
40	the curriculum includes instruction on a range of contraceptive options; whether instruction is			
41	provided on sexual orientation and gender identity; whether the curriculum is provided by			
42	school division staff or external organizations; and how often Family Life Education is			
43	provided. The Department shall also use the Youth Risk Behavior Survey to examine and			
44	report on any correlation that may exist between student behavior and the type of Family Life			
45	Education offered in the division. The Department shall submit a report by November 1,			
46	2021, to the Governor and Chairmen of the House Appropriations and Senate Finance and			
47	Appropriations Committees. The report shall also include best practices for teacher training			
48	and parent and community involvement.			
49	Q. The Department of Education shall report on its progress in implementing the			
50	recommendations identified in the "Feasibility Study of Developing an Early Childhood			
51	Mental Health Consultation Program", as directed by House Joint Resolution 51 (2020), and			
52	identify any legislative, regulatory, budgetary, and other actions necessary to implement			
53	recommendations in such study. Such progress report shall be submitted to the Chairs of the			
54	House Appropriations and Senate Finance and Appropriations Committees no later than			
55	October 1, 2021.			
56	R. Out of this appropriation, \$52,458,428 the second year from the federal Child Care and			
57	Development Fund is provided to temporarily expand the Child Care Subsidy Program,			
58	pursuant to the passage of House Bill 2206 of 2021 Special Session I.			

ITEM 137.		Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
1	S. Out of this appropriation, \$208,000 the second year from the general fund is provided					
2	to integrate Virginia's Career and Technical Education curriculum database and					
3	information system into the state's learning management system.					
4	T. The Superintendent of Public Instruction shall convene a workgroup to make					
5	recommendations on the desired qualifications and training for school personnel providing					
6	health services in schools. The workgroup shall include at least: (i) three local school					
7	division representatives, including one superintendent; (ii) two members of a local school					
8	board; (iii) school personnel providing health services, including contracted personnel					
9	from a local health department, personnel with varying levels of nursing credentials, and					
10	personnel without nursing credentials; and (iv) two members of the Board of Education.					
11	The recommendations shall be submitted to the General Assembly no later than October 1,					
12	2021. Such recommendations shall detail any necessary legislative or budgetary changes					
13	to implement the recommendations.					
14	U. Notwithstanding 8VAC-20-790, the Department of Education shall not set a limit on					
15	the duration of time that families may participate in the Child Care Subsidy Program,					
16	subject to available funds.					
17	138. Not set out.					
18	139. Not set out.					
19	140. Not set out.					
20	141. Not set out.					
21	142. Not set out.					
22	143. Not set out.					
23	143.10 Not set out.					
24	Total for Department of Education, Central Office					
25	Operations.....			\$132,558,786	\$376,619,686	
26	General Fund Positions.....	151.00	158.17			
27	Nongeneral Fund Positions.....	185.50	335.83			
28	Position Level.....	336.50	494.00			
29	Fund Sources: General.....	\$75,141,179	\$71,758,582			
30	Special.....	\$5,269,257	\$5,269,257			
31	Commonwealth Transportation.....	\$279,612	\$279,612			
32	Trust and Agency.....	\$679,678	\$1,898,520			
33	Federal Trust.....	\$51,189,060	\$297,413,715			
34	<b>Direct Aid to Public Education (197)</b>					
35	144. Financial Assistance for Educational, Cultural,					
36	Community, and Artistic Affairs (14300).....			\$39,672,445	\$45,219,426	
37					\$45,276,402	
38	Financial Assistance for Supplemental Education					
39	(14304).....	\$39,672,445	\$45,219,426			
40			\$45,276,402			
41	Fund Sources: General.....	\$39,672,445	\$45,219,426			
42			\$45,276,402			
43	Authority: Discretionary Inclusion.					
44	<b>Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs</b>					
45	<b>(14300)</b>					

ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>Supplemental Education Assistance</b>		<b>FY 2021</b>		<b>FY 2022</b>
<b>2</b>	<b>Programs (14304)</b>				
<b>3</b>	Achievable Dream		\$500,000		\$500,000
<b>4</b>	Active Learning Grants		\$0		\$250,000
<b>5</b>	American Civil War Museum		\$1,000,000		\$0
<b>6</b>	Black History Museum and Cultural		\$1,300,000		\$0
<b>7</b>	Center of Virginia				
<b>8</b>	Blue Ridge PBS		\$350,000		\$350,000
<b>9</b>	Career and Technical Education Regional		\$660,000		\$660,000
<b>10</b>	Centers				
<b>11</b>	Career and Technical Education Resource		\$298,021		\$298,021
<b>12</b>	Center				
<b>13</b>	Career and Technical Education Student		\$0		\$718,957
<b>14</b>	Organizations				
<b>15</b>	Career Council at Northern Neck Career		\$60,300		\$60,300
<b>16</b>	& Technical Center				
<b>17</b>	College Partnership Laboratory School		\$50,000		\$50,000
<b>18</b>	Communities in Schools (CIS)		\$1,244,400		\$1,244,400
<b>19</b>	Computer Science Teacher Training		\$550,000		\$550,000
<b>20</b>	Dual Enrollment Passport Pilots		\$0		\$250,000
<b>21</b>	Early Childhood Educator Incentive		\$3,000,000		\$5,000,000
<b>22</b>	eMediaVA		\$0		\$1,000,000
<b>23</b>	Emil and Grace Shihadeh Innovation		\$250,000		\$0
<b>24</b>	Center				
<b>25</b>	Great Aspirations Scholarship Program		\$500,000		\$500,000
<b>26</b>	(GRASP)				
<b>27</b>	Jobs for Virginia Graduates (JVG)		\$2,243,776		\$2,243,776
<b>28</b>	Literacy Lab - VPI Minority Educator		\$0		\$300,000
<b>29</b>	Fellowship				
<b>30</b>	National Board Certification Program		\$5,072,500		\$4,975,524
<b>31</b>					\$5,032,500
<b>32</b>	Newport News Aviation Academy -		\$100,000		\$0
<b>33</b>	STEM Program				
<b>34</b>	Petersburg Executive Leadership		\$350,000		\$350,000
<b>35</b>	Recruitment Incentives				
<b>36</b>	Positive Behavioral Interventions &		\$1,598,000		\$1,598,000
<b>37</b>	Support (PBIS)				
<b>38</b>	Power Scholars Academy - YMCA BELL		\$550,000		\$1,000,000
<b>39</b>	Praxis and Virginia Communication and		\$50,000		\$50,000
<b>40</b>	Literacy Assessment Assistance for				
<b>41</b>	Provisionally Licensed Minority Teachers				
<b>42</b>	Project Discovery		\$962,500		\$962,500
<b>43</b>	School Program Innovation		\$500,000		\$500,000
<b>44</b>	Small School Division Assistance		\$145,896		\$145,896
<b>45</b>	Southside Virginia Regional Technology		\$108,905		\$108,905
<b>46</b>	Consortium				
<b>47</b>	Southwest Virginia Public Education		\$124,011		\$124,011
<b>48</b>	Consortium				
<b>49</b>	STEM Program / Research Study (VA		\$681,975		\$681,975
<b>50</b>	Air & Space Center)				
<b>51</b>	STEM Competition Team Grants		\$200,000		\$200,000
<b>52</b>	Targeted Extended/Enriched School Year		\$7,763,312		\$7,763,312
<b>53</b>	and Year-round School Grants				
<b>54</b>	Teach for America		\$500,000		\$500,000



ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Teacher Improvement Funding Initiative		\$15,000		\$15,000
2	Teacher Recruitment & Retention Grant		\$2,181,000		\$2,181,000
3	Programs				
4	Teacher Residency Program		\$1,750,000		\$1,750,000
5	Van Gogh Outreach Program		\$71,849		\$71,849
6	Virginia Early Childhood Foundation		\$2,750,000		\$6,250,000
7	(VECF)				
8	Virginia Reading Corps		\$600,000		\$600,000
9	Virginia Student Training and		\$300,000		\$300,000
10	Refurbishment (VA STAR) Program				
11	Vision Screening Grants		\$391,000		\$391,000
12	Vocational Lab Pilot		\$175,000		\$0
13	Wolf Trap Model STEM Program		\$725,000		\$725,000
14	<b>Total</b>		<b>\$39,672,445</b>		<b>\$45,219,426</b>
15					<b>\$45,276,402</b>
16	A. Out of this appropriation, the Department of Education shall provide \$2,243,776 the				
17	first year and \$2,243,776 the second year from the general fund for the Jobs for Virginia				
18	Graduates initiative.				
19	B. Out of this appropriation, the Department of Education shall provide \$124,011 the first				
20	year and \$124,011 the second year from the general fund for the Southwest Virginia				
21	Public Education Consortium at the University of Virginia's College at Wise. An				
22	additional \$71,849 the first year and \$71,849 the second year from the general fund is				
23	provided to the Consortium to continue the Van Gogh Outreach program with Lee and				
24	Wise County Public Schools and expand the program to the twelve school divisions in				
25	Southwest Virginia.				
26	C. This appropriation includes \$108,905 the first year and \$108,905 the second year from				
27	the general fund for the Southside Virginia Regional Technology Consortium to expand				
28	the research and development phase of a technology linkage.				
29	D. An additional state payment of \$145,896 the first year and \$145,896 the second year				
30	from the general fund is provided as a Small School Division Assistance grant for the City				
31	of Norton. To receive these funds, the local school board shall certify to the				
32	Superintendent of Public Instruction that its division has entered into one or more				
33	educational, administrative or support service cost-sharing arrangements with another				
34	local school division.				
35	E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from				
36	the general fund shall be allocated for the Career and Technical Education Resource				
37	Center to provide vocational curriculum and resource instructional materials free of charge				
38	to all school divisions.				
39	F. It is the intent of the General Assembly that the Department of Education provide				
40	bonuses from state funds to classroom teachers in Virginia's public schools who hold				
41	certification from the National Board of Professional Teaching Standards. Such bonuses				
42	shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of				
43	the certificate. This appropriation includes an amount estimated at \$5,072,500 the first				
44	year and <del>\$4,975,524</del> \$5,032,500 the second year from the general fund for the purpose of				
45	paying these bonuses. By October 15 of each year, school divisions shall notify the				
46	Department of Education of the number of classroom teachers under contract for that				
47	school year that hold such certification.				
48	G. This appropriation includes \$2,181,000 the first year and \$2,181,000 the second year				
49	from the general fund for grants, scholarships, and incentive payments to attract, recruit,				
50	and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's				
51	public schools.				
52	1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the				
53	general fund is provided for teaching scholarship loans. These scholarships shall be for				

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1	undergraduate students in college with a cumulative grade point average of at least 2.7 on a			
2	4.0 scale or its equivalent, who are nominated by their Virginia regionally accredited college			
3	or university, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of			
4	Virginia, except as provided herein. Awards shall be made to students who are enrolled full-			
5	time or part-time in approved undergraduate or graduate teacher education programs for the			
6	top ten critical teacher shortage disciplines, however minority students may be enrolled in any			
7	content area for teacher preparation. Upon program completion, scholarship recipients may			
8	fulfill the scholarship loan obligation by teaching in the public schools of the Commonwealth			
9	in the first full academic year after becoming eligible for a renewable teaching license in the			
10	appropriate endorsement area and teaching for at least two years in a school division (i) in one			
11	of the critical teacher shortage disciplines as established by the Board of Education; or (ii) in a			
12	Virginia public school with 50 percent or more of the students eligible for free or reduced			
13	price lunch; or (iii) in a school division designated critical shortage subject area, as defined in			
14	the Board of Education's Regulations Governing the Determination of Critical Teacher			
15	Shortage Areas. Scholarship recipients who only complete one year of the teaching obligation			
16	shall be forgiven for one-half of the scholarship loan amount. Scholarship amounts are based			
17	on up to \$10,000 per year for full-time students, and shall be prorated for part-time students			
18	based on the number of credit hours. The Department of Education shall report annually on			
19	the critical shortage teaching areas in Virginia.			
20	a. The Department of Education shall make payments on behalf of the scholarship recipients			
21	directly to the Virginia institution of higher education where the scholarship recipient is			
22	enrolled full-time or part-time in an approved undergraduate or graduate teacher education			
23	program.			
24	b. The Department of Education is authorized to recover total funds awarded as scholarships,			
25	or the appropriate portion thereof, in the event that scholarship recipients fail to honor the			
26	stipulated teaching obligation.			
27	c. Within the fiscal year, any funds not awarded from this program may be applied toward the			
28	other teacher preparation, recruitment, and retention programs under paragraph G.			
29	2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the			
30	general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach			
31	science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and			
32	high schools experiencing difficulty in recruiting qualified teachers. Eligible teachers must (i)			
33	be employed full-time in a Virginia school division or school with more than 40 percent of the			
34	students eligible for free or reduced price lunch; (ii) be entering their first, second, or third			
35	year of teaching experience; and (iii) hold a five- or ten-year valid Virginia teaching license			
36	with an endorsement in Middle Education 6-8: Mathematics, Mathematics-Algebra-I,			
37	Mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science,			
38	Physics, Engineering, or Technology Education and be assigned to a teaching position in a			
39	corresponding STEM subject area. Selected eligible teachers will receive a \$5,000 incentive			
40	award after the completion of each year of full-time teaching experience, up to three			
41	consecutive years under the grant, in an eligible school division or school with a satisfactory			
42	performance evaluation and a written commitment to return in the same school division for			
43	the following school year. The maximum incentive award for each eligible teacher is \$15,000.			
44	Eligibility for these incentives shall be determined through an application process whereby			
45	school divisions shall apply to the Department of Education. Priority for distribution of these			
46	incentives shall be to school divisions experiencing the most acute difficulties in recruiting			
47	qualified teachers, as determined using Department of Education criteria. For the purpose of			
48	the award of the additional \$1,000 to individuals who received funds under this program prior			
49	to July 1, 2018, the criteria provided in Chapter 1, 2018 Acts of Assembly, Special Session I,			
50	shall continue to apply through fiscal year 2021. For individuals who received funds under			
51	this program prior to July 1, 2020, the criteria provided in Chapter 854, 2019 Acts of			
52	Assembly, shall continue to apply. Within the fiscal year, any funds not awarded from this			
53	program may be applied toward the other teacher preparation, recruitment, and retention			
54	programs under paragraph G.			
55	3. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the			
56	general fund is provided to help school divisions recruit and retain qualified middle-school			
57	mathematics teachers. Within the fiscal year, any funds not awarded from this program may			
58	be applied toward the other teacher preparation, recruitment, and retention programs under			

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1	paragraph G.				
2	4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the				
3	general fund is provided for tuition scholarships to be specifically allocated solely for				
4	licensed public high school teachers pursuing additional credentialing requirements				
5	necessary to be considered faculty who are qualified to teach dual enrollment courses in				
6	high schools in their local school division. The Department of Education shall make				
7	payments on behalf of the scholarship recipients directly to the regionally accredited				
8	Virginia institution of higher education where the scholarship recipient is enrolled in				
9	courses for credit applicable to dual enrollment course curriculum available for public				
10	high school students. The lifetime maximum dual enrollment tuition scholarship award for				
11	each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment				
12	tuition scholarship awards shall be determined through an application process whereby				
13	school divisions shall apply to the Department of Education. In the application process,				
14	the applying school division shall include: i) an explanation of why such dual enrollment				
15	tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be				
16	offered by the scholarship recipient's high school and taught by the recipient upon the				
17	recipient's successful completion of required coursework for appropriate credentialing to				
18	teach such dual enrollment courses, and iii) the projected student enrollment in the				
19	recipient taught public high school dual enrollment courses. The Department of Education				
20	shall compile and report the application information for each applying school division, and				
21	shall also report the number of recipients and amount of tuition awarded to each school				
22	division, the institution of higher education receiving tuition, the credentialing area				
23	pursued by recipients, and dual enrollment courses offered after the recipient's successful				
24	completion of the pursued credentialing. The Department shall submit the report by June				
25	30, 2020, and annually thereafter, to the House Committees on Education and				
26	Appropriations and the Senate Committees on Finance and Education and Health.				
27	H. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from				
28	the general fund shall be distributed to the Great Aspirations Scholarship Program				
29	(GRASP) to provide students and families in need access to financial aid, scholarships,				
30	and counseling to maximize educational opportunities for students.				
31	I. Out of this appropriation, the Department of Education shall provide \$1,244,400 the first				
32	year and \$1,244,400 the second year from the general fund to Communities in Schools.				
33	These funds shall be used to strengthen and sustain existing programming in Hampton				
34	Roads, Northern Virginia, Petersburg, Richmond City, and Southwest Virginia and to				
35	expand programming to new schools. Further, Communities in Schools is directed to				
36	assist the Community School organization with developing opportunities to establish a				
37	Community School program in interested school divisions.				
38	J. Out of this appropriation, the Department of Education shall provide \$962,500 the first				
39	year and \$962,500 the second year from the general fund for Project Discovery. These				
40	funds are towards the cost of the program in Abingdon, Accomack/Northampton,				
41	Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville,				
42	Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick,				
43	Fredericksburg/Spotsylvania, Goochland/Powhatan, Lynchburg, Newport News, Norfolk,				
44	Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City,				
45	and Wythe and the salary of a fiscal officer for Project Discovery. The Department of				
46	Education shall administer the Project Discovery funding distributions to each community				
47	action agency. Distributions to each community action agency shall be based on				
48	performance measures established by the Board of Directors of Project Discovery. The				
49	contract with Project Discovery should specify the allocations to each local program and				
50	require the submission of a financial and budget report and program evaluation				
51	performance measures.				
52	2. Each participating community action agency shall submit annual performance metrics				
53	for services provided through the Project Discovery program that provide measurable				
54	evaluations and outcomes of participating students. Such performance metrics shall				
55	include evidenced-based data that effectively measure academic improvement outcomes.				
56	In addition, the performance metrics shall also include evidenced-based data to evaluate				
57	the specific effectiveness of the program for participating students on a longitudinal basis.				
58	Further, the performance metrics shall include the coordination and collaboration efforts				

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1	the program staff regularly have with the school-based personnel, such as teachers and				
2	guidance counselors, that support and maximize opportunities of participating students to				
3	successfully graduate from high school and then to enroll and graduate from an institution of				
4	higher learning. Project Discovery shall submit a comprehensive and cumulative program				
5	performance metrics evaluation to the Department of Education no later than October 1 each				
6	year.				
7	K. Out of this appropriation, the Department of Education shall provide \$300,000 the first				
8	year and \$300,000 the second year from the general fund for the Virginia Student Training				
9	and Refurbishment Program.				
10	L. Out of this appropriation, \$1,598,000 the first year and \$1,598,000 the second year from				
11	the general fund is provided to expand the number of schools implementing a system of				
12	positive behavioral interventions and supports with the goal of improving school climate and				
13	reducing disruptive behavior in the classroom. Such a system may be implemented as part of				
14	a tiered system of supports that utilizes evidence-based, system-wide practices to provide a				
15	response to academic and behavioral needs. Any school division which desires to apply for				
16	this competitive grant must submit a proposal to the Department of Education by June 1				
17	preceding the school-year in which the program is to be implemented. The proposal must				
18	define student outcome objectives including, but not limited to, reductions in disciplinary				
19	referrals and out-of-school suspension rates. In making the competitive grant awards, the				
20	Department of Education shall give priority to school divisions proposing to serve schools				
21	identified by the Department as having high suspension rates. No funds awarded to a school				
22	division under this grant may be used to supplant funding for schools already implementing				
23	the program.				
24	M. Targeted Extended/Enriched School Year and Year-round School Grants Payments				
25	1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the				
26	general fund is provided for a targeted extended/enriched school year or year-round school				
27	incentive in order to improve student achievement. Annual start-up grants of up to \$300,000				
28	per school may be awarded for a period of up to two years after the initial implementation				
29	year. The per school amount may be up to \$400,000 in the case of schools that have an				
30	Accredited with Conditions status and are rated at Level Three in two or more Academic				
31	Achievement for All Students school quality indicators, or schools that had an Accredited				
32	with Conditions status and were rated at Level Three in two or more Academic Achievement				
33	for All Students school quality indicators when the initial application was made. Schools that				
34	qualified for the per school grant up to \$400,000 under the previous Standards of				
35	Accreditation Denied Accreditation status remain eligible for funding for the initial three year				
36	period; after that period, such schools are subject to eligibility under the current Standards of				
37	Accreditation. After the third consecutive year of successful participation, an eligible school's				
38	grant amount shall be based on a shared split of the grant between the state and participating				
39	school division's local composite index. Such continuing schools shall remain eligible to				
40	receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base				
41	findings.				
42	2. Except for school divisions with schools that are in an Accredited with Conditions status				
43	and are rated at Level Three in two or more Academic Achievement for All Students school				
44	quality indicators or in a Denied Accreditation status, any other school division applying for				
45	such a grant shall be required to provide a twenty percent local match to the grant amount				
46	received from either an extended/enriched school year or year-round school start-up or				
47	planning grant.				
48	3. In the case of any school division with schools that are in an Accredited with Conditions				
49	status and are rated at Level Three in two or more Academic Achievement for All Students				
50	school quality indicators or in a Denied Accreditation status that apply for funds, the school				
51	division shall also consult with the Superintendent of Public Instruction or designee on all				
52	recommendations regarding instructional programs or instructional personnel prior to				
53	submission to the local board for approval.				
54	4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the				
55	general fund is provided for planning grants of no more than \$50,000 each for local school				
56	divisions pursuing the creation of new extended/enriched school year or year-round school				
57	programs for divisions or individual schools in support of the findings from the 2012 JLARC				

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1	Review of Year Round Schools. School divisions must submit applications to the			
2	Department of Education by August 1 of each year. Priority shall be given to schools			
3	based on need, relative to the state accreditation ratings or similar federal designations.			
4	Applications shall include evidence of commitment to pursue implementation in the			
5	upcoming school year. If balances exist, existing extended school year programs may be			
6	eligible to apply for remaining funds.			
7	5. A school division that has been awarded an extended/enriched school year or year-			
8	round school start-up grant or planning grant for the development of an extended/enriched			
9	school year or year-round school program may spend the awarded grant over two			
10	consecutive fiscal years.			
11	6. a) Any such school division receiving funding from a Targeted Extended/Enriched			
12	School Year and Year-round School grant shall provide an annual progress report to the			
13	Department of Education that evaluates end of year success of the extended/enriched			
14	school year or year-round school model implemented as compared to the prior school year			
15	performance as measured by an appropriate evaluation matrix no later than September 1			
16	each year.			
17	b) The Department of Education shall develop such evaluation matrix that would be			
18	appropriate for a comprehensive evaluation for such models implemented. Further, the			
19	Department of Education is directed to submit the annual progress reports from the			
20	participating school divisions and an executive summary of the program's overall status			
21	and levels of measured success to the Chairmen of House Appropriations and Senate			
22	Finance Committees no later than November 1 each year.			
23	7. Any funds remaining in this paragraph following grant awards may be disbursed by the			
24	Department of Education as grants to school divisions to support innovative approaches to			
25	instructional delivery or school governance models.			
26	N. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from			
27	the general fund is provided through grants or contracts for the cost of fees and financial			
28	incentives associated with hiring teachers in challenged schools. These funds may be used			
29	for grants or contracts awarded and expenses associated with supporting the Teach for			
30	America program. School divisions or their partners may apply for those funds through			
31	applications submitted to the Department of Education. Applications must be submitted to			
32	the Department of Education by September 1 each year. Within the fiscal year, any			
33	unobligated balance may be used for the Teacher Residency program.			
34	O. Out of this appropriation, \$725,000 the first year and \$725,000 the second year from			
35	the general fund is provided for the Accomack, Albemarle, Arlington, Chesterfield,			
36	Fairfax, Henrico, Loudoun, Norfolk, Petersburg, Richmond, Suffolk, and Wythe Public			
37	Schools to continue or initiate STEM and early literacy model programs for preschool,			
38	kindergarten, and first grade students. The model will also support growth in the 5C skills			
39	identified in the Profile of a Virginia Graduate. Within this appropriation, funds may			
40	support further expansion in rural divisions from Regions 3, 6, or 8, based on need. Each			
41	developed model will focus on enhancing children's learning experiences through the arts.			
42	P. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the			
43	general fund is provided for the Achievable Dream partnership with Newport News			
44	School Division.			
45	Q. Out of this appropriation, \$1,750,000 the first year and \$1,750,000 the second year			
46	from the general fund is provided for grants for teacher residency partnerships between			
47	university teacher preparation programs and the Petersburg, Norfolk, and Richmond City			
48	school divisions and any other university teacher preparation programs and hard-to-staff			
49	school divisions to help improve new teacher training and retention for hard-to-staff			
50	schools. The grants will support a site-specific residency model program for preparation,			
51	planning, development and implementation, including possible stipends in the program to			
52	attract qualified candidates and mentors. Applications must be submitted to the			
53	Department of Education by August 1 each year.			
54	Partner school divisions shall provide at least one-third of the cost of each program and			
55	shall provide data requested by the university partner in order to evaluate program			

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1	effectiveness by the mutually agreed upon timelines. Each university partner shall report			
2	annually, no later than June 30, to the Department of Education on available outcome			
3	measures, including student performance indicators, as well as additional data needs requested			
4	by the Department of Education. The Department of Education shall provide, directly to the			
5	university partners, relevant longitudinal data that may be shared. The Department of			
6	Education shall consolidate all submissions from the participating university partners and			
7	school divisions and submit such consolidated annual report to the Chairmen of the House			
8	Appropriations and Senate Finance Committees no later than November 1 each year.			
9	R. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the			
10	general fund is provided to the Northern Neck Regional Technical Center to expand the			
11	workforce readiness education and industry based skills and certification development efforts			
12	supporting that region in the state. These funds support the Center's programs that serve high			
13	school students from the surrounding counties of Essex, Lancaster, Northumberland,			
14	Rappahannock, Westmoreland and Colonial Beach.			
15	S. Out of this appropriation, \$2,750,000 the first year and \$6,250,000 the second year from			
16	the general fund is provided to the Virginia Early Childhood Foundation.			
17	1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for			
18	general operations of the Foundation's grant program to strengthen the capacity of local			
19	communities to promote school readiness for young children through innovative regional			
20	partnerships.			
21	2. Of this amount, \$1,000,000 the first year and \$1,000,000 the second year is provided to			
22	operate a scholarship program to increase the skills of Virginia's early education workforce.			
23	3. Of this amount, \$1,500,000 the first year and \$5,000,000 the second year from the general			
24	fund is provided for a pilot initiative to support public-private delivery of pre-kindergarten			
25	services for at least 500 at-risk three- and four-year-old children each year. Programs must			
26	provide full-day or half-day and, at least, school-year services.			
27	a) The Department of Education shall establish academic standards that are in accordance			
28	with appropriate preparation for students to be ready to successfully enter kindergarten. These			
29	standards shall be established in such a manner as to be measurable for student achievement			
30	and success. Students shall be required to be evaluated in the fall and in the spring by each			
31	participating provider and grantees must certify that the Virginia Preschool Initiative			
32	standards are followed in order to receive the funding for quality preschool education and			
33	criteria for the service components. Such standards shall align with the Virginia Standards of			
34	Learning for Kindergarten.			
35	b) The Department of Education shall require and ensure that all participating classrooms			
36	have the quality of their teacher-child interactions assessed through a rigorous and research-			
37	based observation instrument at least once every two years.			
38	c) Any locality that desires to participate in this grant program must submit a proposal each			
39	year to the Virginia Early Childhood Foundation. For the first year, the application must be			
40	submitted by August 15. For subsequent years, the application must be submitted by May 15			
41	to align with the Virginia Preschool Initiative timeline. Each application shall identify a lead			
42	agency for this program within the locality. The lead agency shall be responsible for			
43	developing a local plan for the delivery of quality preschool services to at-risk three- and four-			
44	year-old children in private settings that demonstrates the coordination of resources and the			
45	combination of funding streams in an effort to serve the greatest number of at-risk children.			
46	d) The proposal must demonstrate: (i) coordination with all parties necessary for the			
47	successful delivery of comprehensive services, including schools, child care providers, local			
48	social services agencies, Head Start, local health departments, and other groups identified by			
49	the lead agency, (ii) a plan for supporting inclusive practices for children with identified			
50	special needs, and (iii) a plan to transition the pilot into a sustainable program that is			
51	supported with a similar level of state support as Virginia Preschool Initiative slots.			
52	e) Local plans must indicate the number of at-risk three- and four-year-old children to be			
53	served, and the eligibility criteria for participation in this program shall be consistent with the			
54	economic and educational risk factors stated in the current program guidelines that are			

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1	specific to: (i) family income at or below 200 percent of federal poverty guidelines, (ii)			
2	homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family			
3	income is above 200 percent but at or below 350 percent of federal poverty guidelines in			
4	the case of students with special needs or disabilities. Up to 15 percent of slots may be			
5	filled based on locally established eligibility criteria so as to meet the unique needs of at-			
6	risk children in the community.			
7	f) Notwithstanding any provisions of § 22.1-299, Code of Virginia, and in order to achieve			
8	the priorities of the Joint Subcommittee on Early Childhood Care and Education for			
9	exploring the feasibility of and barriers to mixed delivery preschool systems in Virginia,			
10	recipients of a Mixed-Delivery Preschool grant shall be provided maximum flexibility			
11	within their respective pilot initiative in order to fully implement the associated goals and			
12	objectives of the pilot. Recipients of a Mixed-Delivery Preschool grant and divisions			
13	participating in such grant pilot activities shall be exempted from all regulatory and			
14	statutory provisions related to teacher licensure requirements and qualifications when paid			
15	by public funds within the confines of the Mixed-Delivery Preschool pilot initiative.			
16	g) Children served by the pilots shall be assigned student identification numbers as			
17	provided in § 22.1-287.03 B of the Code of Virginia to evaluate pilot program outcomes			
18	and to permit comparison with Virginia Preschool Initiative outcomes.			
19	h) Pilot providers shall provide information to the Department of Education as necessary			
20	to fulfill the reporting requirement established.			
21	T. This appropriation includes \$500,000 the first year and \$500,000 the second year from			
22	the general fund to support ten competitive grants, not to exceed \$50,000 each, for			
23	planning the implementation of systemic Elementary, Middle, and/or High School			
24	Program Innovation by either individual school divisions or consortia of school divisions			
25	or implementing a plan for public pre-kindergarten through Grade 12 School Program			
26	Innovation previously approved by the Department of Education. The local applicant(s)			
27	selected to conduct this systemic approach to school reform, in consultation with the			
28	Department of Education, will develop and plan or implement innovative approaches to			
29	engage and to motivate students through personalized learning and instruction leading to			
30	demonstrated mastery of content, as well as skills development of career readiness.			
31	Essential elements of school innovation include: (1) student centered learning, with			
32	progress based on student demonstrated proficiency; (2) 'real-world' connections that			
33	promote alignment with community work-force needs and emphasize transition to college			
34	and/or career; and (3) varying models for educator supports and staffing. Individual school			
35	divisions or consortia will be invited to apply on a competitive basis by submitting a grant			
36	application that includes descriptions of key elements of innovations, a detailed budget,			
37	expectations for outcomes and student achievement benefits, evaluation methods, and			
38	plans for sustainability. The Department of Education will make the final determination of			
39	which individual school divisions or consortia of divisions will receive the year-long			
40	planning grant for public pre-kindergarten through Grade 12 School Innovation or a grant			
41	to implement an Elementary, Middle, and/or High School Program Innovation plan			
42	previously approved by the Department of Education. Any school division or consortium			
43	of divisions which desires to apply for this competitive grant must submit a proposal to the			
44	Department of Education by June 1 preceding the school year in which the planning or			
45	implementation for systemic school innovation is to take place.			
46	U. Out of this appropriation, \$100,000 the first year from the general fund is provided to			
47	support the Newport News Aviation Academy's four-year high school STEM program,			
48	which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.			
49	V. Out of this appropriation, \$15,000 the first year and \$15,000 the second year is			
50	provided for grants to school divisions of up to \$5,000 each to explore alternative teacher			
51	compensation approaches that move away from tenure-based step increases toward			
52	compensation systems based on teacher performance and student progress. Priority will be			
53	given to school divisions that have not previously explored alternative compensation			
54	approaches and have schools not achieving full accreditation, or that have high numbers of			
55	at-risk students needing qualified teachers in hard-to-staff subjects.			
56	W. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from			
57	the general fund is provided for STEM Competition Team Grants. Notwithstanding §			

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.			
2	X. Out of this appropriation, \$681,975 the first year and \$681,975 the second year from the			
3	general fund is provided to support a multi-platform STEM education engagement program			
4	and research study, via the Virginia Air & Space Center.			
5	Y. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the			
6	general fund is provided for executive leadership incentives in the Petersburg City Public			
7	Schools to strengthen the impact of division and school level executive leadership on student			
8	achievement in the school division. Such incentives may include, but not be limited to,			
9	supplements to locally funded salaries, deferred salary compensation, bonuses, housing and			
10	commuting supplements, and professional development supplements. The Department of			
11	Education shall provide such executive management incentive payments directly to the			
12	Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding			
13	entered into between the Board of Education and the Petersburg City School Board, which			
14	shall cover no less than both years of the biennium and may be amended with the consent of			
15	both parties. Such Agreement shall include operational and student achievement metrics and			
16	include provisions for the achievement of such metrics as a condition of payment of the			
17	incentive funds by the Department of Education. The Department of Education shall provide			
18	updates on the Agreement to the Chairmen of the Senate Finance and House Appropriations			
19	Committees.			
20	Z. Out of this amount, \$600,000 the first year and \$600,000 the second year from the general			
21	fund shall be reserved for school divisions to partner with the Virginia Reading Corps			
22	program. The implementation partner shall determine and select partner school divisions. The			
23	Virginia Reading Corps shall report annually to the school divisions and Department of			
24	Education on the outcomes of this program.			
25	AA. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the			
26	general fund is provided for Chesterfield County Public Schools to partner and plan with			
27	Virginia State University for the continued development of a College Partnership Laboratory			
28	School in support of Ettrick Elementary School.			
29	BB. Out of this appropriation, \$175,000 the first year from the general fund is provided to			
30	establish a Career and Technical Education Vocational Laboratory pilot that will be located			
31	within the Virginia Aviation Academy located in the Newport News school division. This			
32	vocational-based lab will be developed and focused on advanced, augmented and virtual			
33	reality related education.			
34	CC. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the			
35	general fund is provided for praxis assistance and Virginia Communication and Literacy			
36	Assessment assistance for provisionally licensed minority teachers seeking full licensure in			
37	Virginia. Grants of up to \$10,000 shall be awarded to school divisions, teacher preparation			
38	programs, or nonprofit organizations in all regions of the state to subsidize test fees and the			
39	cost of tutoring for provisionally licensed minority teachers seeking full licensure in Virginia.			
40	DD. Out of this appropriation, \$391,000 the first year and \$391,000 the second year from the			
41	general fund is provided to school divisions to pay for a portion of the vision screening of			
42	students in kindergarten, grade two or three and grades seven and ten, pursuant to Chapter			
43	312, 2017 Session Acts of Assembly. Eligible school divisions may receive the state's share of			
44	\$7.00 for each student reported in average daily membership and enrolled in kindergarten,			
45	grades three, seven and ten and who has received such vision screening test. The Department			
46	of Education shall administrator and distribute reimbursements to school divisions and the			
47	funding shall be prorated if needed, such that the appropriation is not exceeded. Prioritization			
48	shall be given the schools that would most benefit from state assistance in order to provide			
49	such vision screening service to students that are eligible for free lunch.			
50	EE. Out of this appropriation, \$660,000 the first year and \$660,000 the second year from the			
51	general fund is provided for annual grants of \$60,000 to each of the nine regional career and			
52	technical centers, Winchester Public Schools' Innovation Center and Norfolk Public Schools'			
53	Norfolk Technical Center, to expand workforce readiness education and industry based skills.			
54	FF. 1. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from			
55	the general fund is provided to CodeVA for the development, marketing, and implementation			



ITEM 144.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	of high-quality and effective computer science training and professional development				
2	activities for public school teachers throughout the Commonwealth for the purpose of				
3	improving the computer science literacy of all public school students in the				
4	Commonwealth using the Computer Science Standards of Learning For Virginia Public				
5	Schools, which were reviewed and endorsed by the Virginia Board of Education in				
6	November 2017. The provided funds may be utilized for planning, preparing and materials				
7	needed for teacher training sessions provided during the biennium.				
8	2. CodeVA shall report, no later than October 1, each year to the Chairmen of the House				
9	Education and Senate Education & Health Committees, Secretary of Education and the				
10	Superintendent of Public Instruction on its activities in the previous year to support				
11	computer science teacher training and curriculum development, including on collaboration				
12	with other stakeholders to avoid duplication of efforts.				
13	GG. Out of this appropriation, \$1,000,000 the first year from the general fund is provided				
14	to the American Civil War Museum to support the advancement of experiential learning				
15	opportunities for K-12 students. These funds are intended to support high-quality, off-site				
16	learning experiences for students to engage in educational content, aligned to Virginia's				
17	Standards of Learning, related to the history of the American Civil War.				
18	HH. Out of this appropriation, \$1,300,000 the first year from the general fund is provided				
19	to the Black History Museum and Cultural Center of Virginia to support the advancement				
20	of experiential learning opportunities for K-12 students. These funds are intended to				
21	support high-quality, off-site learning experiences and traveling exhibitions for students to				
22	engage in educational content, aligned to Virginia's Standards of Learning, related to				
23	African American History.				
24	JJ. To strengthen quality and reduce turnover in hard-to-serve preschool classrooms,				
25	\$3,000,000 the first year and \$5,000,000 the second year from the general fund shall be				
26	used to supplement the Early Childhood Educator Incentive created through the Preschool				
27	Development Grant Birth to Five. The Virginia Department of Education shall set the				
28	specific guidelines for the program and funds.				
29	KK. Out of this appropriation, \$250,000 thesecond year from the general fund shall be				
30	provided for grants to school divisionsfor encouraging active-in class, remote and hybrid				
31	learning for students in pre-kindergarten through the second grade. School divisions				
32	seeking to apply for this grant shall submit a proposal to the Department of Education				
33	outlining the intended use of funds and a projected number of students to be served. The				
34	Department shall establish criteria for awarding these funds. The funds may be used to				
35	purchase a platform featuring on-demandactivities that integrate math and English				
36	Standards of Learning content into movement-rich activities that can be used at school,				
37	home and on all devices (i.e. computers, tables and phones).				
38	LL. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from				
39	the general fund is provided to Blue Ridge PBS for educational outreach programming.				
40	PP. Out of this appropriation, \$250,000 the first year from the general fund is provided to				
41	Winchester Public Schools for one-time support for furniture and equipment for the				
42	renovated Emil and Grace Shihadeh Innovation Center.				
43	QQ. Out of this appropriation, \$300,000 the second year from the general fund is provided				
44	for a fellowship program administered by the Literacy Lab to place recent high-school				
45	graduates of a minority background new to the field of education in VPI or Head Start				
46	classrooms of participating local school divisions or community-based early childhood				
47	centers to provide evidence based literacy support to at-risk pre-kindergarten students.				
48	Such a program must provide training, coaching, and professional development to the				
49	fellowship participants, place fellowship participants for at least 800 paid hours within a				
50	pre-kindergarten classroom during a school year, work to diversify the educator pipeline,				
51	and assist fellowship participants in understanding the teacher education and licensure				
52	process in Virginia. Literacy Lab shall partner with school divisions or community-based				
53	early childhood centers in Richmond and Portsmouth. Literacy Lab shall report by August				
54	1, 2022 to the Chairs of the House Education and Senate Education and Health				
55	Committees, Secretary of Education, and the Superintendent of Public Instruction on its				
56	activities to provide training, coaching, and professional development to the fellowship				

ITEM 144.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	participants, including collaboration with school division partners and community-based early			
2	childhood centers, and provide metrics on the success of participants entering the educator			
3	pipeline either through employment or a teacher preparation program.			
4	SS. Out of this appropriation, \$550,000 the first year and \$1,000,000 the second year from the			
5	general fund is provided to support pilot public-private partnerships between local school			
6	divisions and the Greater Richmond and Central Virginia affiliates of the Virginia Alliance of			
7	YMCAs to expand student participation opportunities in existing summer Power Scholars			
8	Academies in such partnered school divisions.			
9	TT. Out of this appropriation, \$718,957 the second year from the general fund is provided to			
10	support Career and Technical Education Student Organizations. These Student Organizations			
11	extend Career and Technical Education in Virginia through networks of programs, business			
12	and community partnerships, and leadership experiences at the school, state, and national			
13	levels and provide Virginia students with opportunities to apply academic, technical, and			
14	employability knowledge and skills necessary in today's workforce.			
15	UU. Out of this appropriation, \$1,000,000 is provided from the general fund in the second			
16	year for the Hampton Roads Education Telecommunications Association's eMediaVA			
17	program for statewide digital content development, online learning, and related support			
18	services. All digital content produced and delivery of online learning shall meet criteria			
19	established by the Department of Education, meet or exceed applicable Standards of			
20	Learning, and be correlated to such state standards. The eMedia VA program shall incorporate			
21	consultation with division superintendents or their designated representatives to assess school			
22	divisions' needs for digital content, online learning, teacher training, and support services that			
23	advance technology integration into the K-12 classroom, as well as for additional educational			
24	resources that may be made available to school divisions throughout the Commonwealth.			
25	VV. Out of this appropriation, \$250,000 the second year from the general fund is provided for			
26	grants to support one-time pilot programs to school divisions to redesign dual enrollment			
27	course offerings to align/link to the Passport and Uniform Certificate of General Studies			
28	offered by Virginia's community colleges. Divisions awarded such grants shall collaborate			
29	with the local community college to effectively redesign the local school division's dual			
30	enrollment course offerings. Divisions applying shall include: (i) an explanation of why such			
31	dual enrollment pilot program is warranted; (ii) the dual enrollment courses currently offered			
32	by the division; (iii) the projected student enrollment in dual enrollment courses; and (iv) the			
33	number of the division's employed staff qualified to teach dual enrollment and the number			
34	currently teaching a dual enrollment course. The Department of Education may consider in			
35	the awarding of a grant: (i) the division's local composite index; (ii) the level of misalignment			
36	in the division's dual enrollment course offerings to the Passport and Uniform Certificate of			
37	General Studies; and (iii) the division's level of dual enrollment course availability and			
38	current student enrollment in those courses. The Department of Education shall report, along			
39	with the divisions and community colleges, the components of the redesign and efforts to			
40	increase availability and participation in dual enrollment courses to the General Assembly by			
41	November 1, 2022. The Department of Education and the Virginia Community College			
42	System shall use these pilot programs to provide a comprehensive guide to every school			
43	division and community college to assist with aligning high school dual enrollment course			
44	offerings to the Passport and Uniform Certificate of General Studies.			
45	145. State Education Assistance Programs (17800).....		\$7,743,770,876	\$8,082,601,961
46				\$8,019,833,069
47	Standards of Quality for Public Education (SOQ)			
48	(17801).....	\$6,485,684,773	\$6,627,363,546	
49			\$6,679,937,657	
50	Financial Incentive Programs for Public Education			
51	(17802).....	\$497,164,169	\$710,320,952	
52			\$444,695,186	
53	Financial Assistance for Categorical Programs			
54	(17803).....	\$52,690,811	\$54,014,129	
55			\$51,838,415	
56	Distribution of Lottery Funds (17805).....	\$708,231,123	\$690,903,334	
57			\$843,361,811	
58	Fund Sources: General.....	\$6,817,944,753	\$7,266,333,627	
59			\$7,118,131,599	

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Special.....	\$895,000	\$895,000	
2	Commonwealth Transportation.....	\$2,100,000	<del>\$1,470,000</del>	
3			\$1,544,659	
4	Trust and Agency.....	\$870,231,123	<del>\$773,903,334</del>	
5			\$859,261,811	
6	Dedicated Special Revenue.....	\$36,000,000	\$40,000,000	
7	Federal Trust.....	\$16,600,000	\$0	
8	Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section			
9	2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through			
10	22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237,			
11	22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters			
12	1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended;			
13	P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.			
14	Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1			
15	through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended;			
16	P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended,			
17	Federal Code.			
18	Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of			
19	1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-108, 22.1-199 through 22.1-			
20	212.2:2, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of			
21	Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended;			
22	P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as			
23	amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73,			
24	as amended; P.L. 105-220, as amended, Federal Code.			
25	Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia			
26	<b>Appropriation Detail of Education</b>			
27	<b>Assistance Programs (17800)</b>			
28	<b>Standards of Quality (17801)</b>	<b>FY 2021</b>	<b>FY 2022</b>	
29	Basic Aid	\$3,467,108,109	\$3,536,922,242	
30			\$3,389,339,676	
31	Sales Tax	\$1,512,500,000	\$1,563,000,000	
32			\$1,769,200,000	
33	Textbooks ( <i>split funded</i> )	\$72,851,568	\$73,119,307	
34			\$59,223,200	
35	Vocational Education	\$60,508,948	\$60,443,307	
36			\$60,261,572	
37	Gifted Education	\$36,382,479	\$36,523,788	
38			\$36,249,997	
39	Special Education	\$418,622,981	\$419,818,073	
40			\$415,428,134	
41	Prevention, Intervention, and	\$117,973,133	\$118,181,833	
42	Remediation		\$116,300,292	
43	English as a Second Language	\$74,642,794	\$82,592,805	
44			\$85,457,403	
45	VRS Retirement (includes RHCC)	\$484,558,788	\$489,390,727	
46			\$485,343,662	
47	Social Security	\$207,892,825	\$209,927,966	
48			\$208,192,691	
49	Group Life	\$14,648,748	\$14,858,510	
50			\$14,734,453	
51	Remedial Summer School	\$17,994,400	\$22,584,988	
52			\$40,206,577	
53	<b>Total</b>	<b>\$6,485,684,773</b>	<b>\$6,627,363,546</b>	
54			<b>\$6,679,937,657</b>	

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<b>Incentive Programs (17802)</b>				
2	Compensation Supplement		\$0	\$232,692,010	
3				\$216,063,072	
4	Governor's Schools	\$19,139,086		\$20,266,962	
5				\$19,988,505	
6	At-Risk Add-On (split funded)	\$107,830,098		\$147,939,452	
7				\$0	
8	Clinical Faculty	\$318,750		\$318,750	
9	Career Switcher Mentoring Grants	\$279,983		\$279,983	
10	Special Education - Endorsement	\$437,186		\$437,186	
11	Program				
12	Special Education – Vocational Education	\$200,089		\$200,089	
13	Virginia Workplace Readiness Skills	\$308,655		\$308,655	
14	Assessment				
15	Math/Reading Instructional Specialists	\$1,834,538		\$1,834,538	
16	Initiative				
17	Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
18	Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
19	School Meals Expansion	\$0		\$4,100,000	
20				\$0	
21	Virginia Preschool Initiative - Per Pupil	\$72,405,681		\$107,086,043	
22	Amount			\$81,803,402	
23	Early Childhood Expansion	\$0		\$26,344,868	
24				\$21,778,364	
25	Virginia Preschool Initiative - Provisional	\$306,100		\$306,100	
26	Teacher Licensure				
27	No Loss Funding	\$278,642,957		\$164,335,526	
28				\$97,505,752	
29	Alleghany County - Covington City	\$0		\$1,200,000	
30	School Division Consolidation Incentive				
31	COVID-19 Local Relief Payments	\$12,910,256		\$0	
32	Albuterol and Valved Holding Chambers	\$0		\$120,000	
33	<b>Total</b>	<b>\$497,164,169</b>		<b>\$710,320,952</b>	
34				<b>\$444,695,186</b>	
35	<b>Categorical Programs (17803)</b>				
36	Adult Education	\$1,051,800		\$1,051,800	
37	Adult Literacy	\$2,480,000		\$2,480,000	
38	American Indian Treaty Commitment	\$39,305		\$54,077	
39				\$43,704	
40	School Lunch Program	\$5,801,932		\$5,801,932	
41	Special Education - Homebound	\$3,091,286		\$3,122,201	
42				\$956,860	
43	Special Education - Jails	\$3,635,221		\$3,957,457	
44	Special Education - State Operated	\$36,591,267		\$37,546,662	
45	Programs				
46	<b>Total</b>	<b>\$52,690,811</b>		<b>\$54,014,129</b>	
47				<b>\$51,838,415</b>	
48	<b>Lottery Funded Programs (17805)</b>				
49	At-Risk Add-On (split funded)	\$69,256,566		\$85,024,872	
50				\$228,474,889	

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Foster Care	\$13,083,167	\$11,528,816	
2			\$12,926,842	
3	Special Education - Regional Tuition	\$98,152,929	\$101,152,929	
4			\$76,776,448	
5	Early Reading Intervention	\$27,103,087	\$27,192,313	
6			\$48,725,840	
7	Mentor Teacher	\$1,000,000	\$1,000,000	
8	K-3 Primary Class Size Reduction	\$129,176,942	\$132,995,629	
9			\$130,657,337	
10	School Breakfast Program	\$1,437,082	\$7,920,136	
11			\$7,816,525	
12	SOL Algebra Readiness	\$15,213,962	\$15,248,151	
13			\$14,825,335	
14	Infrastructure and Operations Per Pupil	\$283,292,382	\$276,361,275	
15	Funds			
16	Regional Alternative Education	\$9,206,220	\$9,870,797	
17			\$9,849,223	
18	Individualized Student Alternative	\$2,247,581	\$2,247,581	
19	Education Program (ISAEP)			
20	Career and Technical Education –	\$12,400,829	\$11,681,872	
21	Categorical			
22	Project Graduation	\$1,387,240	\$1,387,240	
23	Race to GED (NCLB/EFAL)	\$2,410,988	\$2,410,988	
24	Path to Industry Certification	\$1,831,464	\$1,831,464	
25	(NCLB/EFAL)			
26	Supplemental Basic Aid	\$1,030,714	\$1,049,271	
27			\$1,026,912	
28	Supplemental Support for Accomack &	\$0	\$2,000,000	
29	Northampton			
30	Learning Loss Instructional Supports	\$39,999,970	\$0	
31	<i>Textbooks (split funded)</i>	\$0	\$13,362,040	
32	<b>Total</b>	<b>\$708,231,123</b>	<b>\$690,903,334</b>	
33			<b>\$843,361,811</b>	
34	Technology – VPSA	\$56,085,200	\$57,308,800	
35			\$56,110,800	
36	Security Equipment - VPSA	\$12,000,000	\$12,000,000	
37	Payments out of the above amounts shall be subject to the following conditions:			
38	<b>A. Definitions</b>			
39	1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school			
40	division's average daily membership for grades K-12 including (1) handicapped students			
41	ages 5-21 and (2) students for whom English is a second language who entered school for			
42	the first time after reaching their twelfth birthday, and who have not reached twenty-two			
43	years of age on or before August 1 of the school year, for the first seven (7) months (or			
44	equivalent period) of the school year through March 31 in which state funds are			
45	distributed from this appropriation. Preschool and postgraduate students shall not be			
46	included in March 31 ADM.			
47	a. School divisions shall take a count of September 30 fall membership and report this			
48	information to the Department of Education no later than October 15 of each year.			
49	b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to			
50	the Department of Education shall be calculated using March 31 ADM unadjusted for			
51	half-day kindergarten programs, estimated at 1,213,092.90 the first year and <del>1,218,331.05</del>			
52	1,207,139.15 the second year. March 31 ADM for half-day kindergarten shall be adjusted			

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	at 85 percent.				
2	c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction				
3	pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis				
4	in any mathematics, science, English, history, social science, vocational education, health				
5	education or physical education, fine arts or foreign language course, or receiving special				
6	education services required by a student's individualized education plan, shall be counted in				
7	the funded fall membership and March 31 ADM of the responsible school division. Each				
8	course shall be counted as 0.25, up to a cap of 0.5 of a student.				
9	d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP)				
10	pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the				
11	responsible school division. School divisions shall report these students separately in their				
12	March 31 reports of Average Daily Membership.				
13	2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as				
14	prescribed by the Board of Education subject to revision by the General Assembly.				
15	3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of				
16	instructional personnel required by the Standards of Quality for each school division with a				
17	minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number				
18	thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and				
19	including provision for driver, gifted, occupational-vocational, and special education, library				
20	materials and other teaching materials, teacher sick leave, general administration, division				
21	superintendents' salaries, free textbooks (including those for free and reduced price lunch				
22	pupils), school nurses in the first year only, operation and maintenance of school plant,				
23	transportation of pupils, instructional television, professional and staff improvement, remedial				
24	work, fixed charges and other costs in programs not funded by other state and/or federal aid.				
25	b. In the first year only, state and local shares of funding resulting from the support cost				
26	calculation for school nurses shall be specifically identified as such and reported to school				
27	divisions annually. In the first year only, school divisions may spend these funds for licensed				
28	school nurse positions employed by the school division or for licensed nurses contracted by				
29	the local school division to provide school health services.				
30	4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality.				
31	The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March				
32	31 ADM reported for the first seven (7) months of the 2017-2018 school year and 1/3 of the				
33	index of wealth per capita (population estimates for 2017 as determined by the Weldon				
34	Cooper Center for Public Service of the University of Virginia) multiplied by the local				
35	nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of				
36	wealth are determined by combining the following constituent index elements with the				
37	indicated weighting: (1) true values of real estate and public service corporations as reported				
38	by the State Department of Taxation for the calendar year 2017 - 50 percent; (2) adjusted				
39	gross income for the calendar year 2017 as reported by the State Department of Taxation - 40				
40	percent; (3) the sales for the calendar year 2017 which are subject to the state general sales				
41	and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent				
42	index element for a locality is its sum per March 31 ADM, or per capita, expressed as a				
43	percentage of the state average per March 31 ADM, or per capita, for the same element. A				
44	locality whose composite index exceeds 0.8000 shall be considered as having an index of				
45	0.8000 for purposes of distributing all payments based on the composite index of local ability-				
46	to-pay. Each constituent index element for a locality used to determine the composite index of				
47	local ability-to-pay for the current biennium shall be the latest available data for the specified				
48	official base year provided to the Department of Education by the responsible source agencies				
49	no later than November 15, 2019.				
50	b. For any locality whose total calendar year 2017 Virginia Adjusted Gross Income is				
51	comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income				
52	shall be excluded in computing the composite index of ability-to-pay. The Department of				
53	Education shall compute the composite index for such localities by using adjusted gross				
54	income data which exclude nonresident income, but shall not adjust the composite index of				
55	any other localities. The Department of Taxation shall furnish to the Department of Education				
56	such data as are necessary to implement this provision.				

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1	c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional			
2	state funding for future consolidations shall be as set forth in future Appropriation Acts.			
3	2) In the case of the consolidation of Bedford County and Bedford City school divisions,			
4	the fifteen year period for the application of a new composite shall apply beginning with			
5	the fiscal year that starts on July 1, 2013. The composite index established by the Board of			
6	Education shall equal the lowest composite index that was in effect prior to July 1, 2013,			
7	of any individual localities involved in such consolidation, and this index shall remain in			
8	effect for a period of fifteen years, unless a lower composite index is calculated for the			
9	combined division through the process for computing an index as set forth above.			
10	3) If the composite index of a consolidated school division is reduced during the course of			
11	the fifteen year period to a level that would entitle the school division to a lower interest			
12	rate for a Literary Fund loan than it received when the loan was originally released, the			
13	Board of Education shall reduce the interest rate of such loan for the remainder of the			
14	period of the loan. Such reduction shall be based on the interest rate that would apply at			
15	the time of such adjustment. This rate shall remain in effect for the duration of the loan			
16	and shall apply only to those years remaining to be paid.			
17	d. When it is determined that a substantial error exists in a constituent index element, the			
18	Department of Education will make adjustments in funding for the current school year			
19	only in the division where the error occurred. The composite index of any other locality			
20	shall not be changed as a result of the adjustment. No adjustment during the biennium will			
21	be made as a result of updating of data used in a constituent index element.			
22	e. In the event that any school division consolidates two or more small schools, the			
23	division shall continue to receive Standards of Quality funding and provide for the			
24	required local expenditure for a period of five years as if the schools had not been			
25	consolidated. Small schools are defined as any elementary, middle, or high school with			
26	enrollment below 200, 300 and 400 students, respectively.			
27	5. "Required Local Expenditure for the Standards of Quality" - The locality's share based			
28	on the composite index of local ability-to-pay of the cost required by all the Standards of			
29	Quality minus its estimated revenues from the state sales and use tax 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 and			
32	appropriated in this Item, both of which are returned on the basis of the latest yearly			
33	estimate of school age population provided by the Weldon Cooper Center for Public			
34	Service, as specified in this Item, collected by the Department of Education and			
35	distributed to school divisions in the fiscal year in which the school year begins.			
36	6. "Required Local Match" - The locality's required share of program cost based on the			
37	composite index of local ability-to-pay for all Lottery and Incentive programs, where			
38	required, in which the school division has elected to participate in a fiscal year.			
39	7. "Planning District Eight" - The nine localities which comprise Planning District Eight			
40	are Arlington County, Fairfax County, Loudoun County, Prince William County,			
41	Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.			
42	8. "State Share of the Standards of Quality" - The state share of the Standards of Quality			
43	(SOQ) shall be equal to the total funded SOQ cost for a school division less the school			
44	division's estimated revenues from the state sales and use tax dedicated to public education			
45	based on the latest yearly estimate of school age population provided by the Weldon			
46	Cooper Center for Public Service, adjusted for the state's share of the composite index of			
47	local ability to pay.			
48	9. Entitlements under this Item that use school-level or division-level Free Lunch			
49	eligibility percentages to determine the entitlement amounts are based on the most recent			
50	data available as of the biennial rebenchmarking calculations made for the current			
51	biennium. For schools that participate in the Community Eligibility Provision program,			
52	such entitlements are based on the most recent Free Lunch eligibility data available prior			
53	to that school's enrollment in the Community Eligibility Provision program.			
54	10. In the event that the general fund appropriations in this Item are not sufficient to meet			

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1	the entitlements payable to school divisions pursuant to the provisions of this Item, the			
2	Department of Education is authorized to transfer any available general fund funds between			
3	these Items to address such insufficiencies. If the total general fund appropriations after such			
4	transfers remain insufficient to meet the entitlements of any program funded with general			
5	fund dollars, the Department of Education is authorized to prorate such shortfall			
6	proportionately across all of the school divisions participating in any program where such			
7	shortfall occurred.			
8	11. The Department of Education is directed to apply a cap on inflation rates in the same			
9	manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school			
10	divisions during the biennial rebenchmarking process.			
11	12. Notwithstanding any other provision in statute or in this Item, the Department of			
12	Education is directed to combine the end-of-year Average Daily Membership (ADM) for			
13	those school divisions who have partnered together as a fiscal agent division and a contractual			
14	division for the purposes of calculating prevailing costs included in the Standards of Quality			
15	(SOQ).			
16	13. Notwithstanding any other provision in statute or in this Item, the Department of			
17	Education is directed to include zeroes in the linear weighted average calculation of support			
18	non-personal costs for the purpose of calculating prevailing costs included in the Standards of			
19	Quality (SOQ).			
20	14. Notwithstanding any other provision in statute or in this Item, the Department of			
21	Education is directed to eliminate the corresponding and appropriate object code(s) related to			
22	reported travel expenditures included the linear weighted average non-personal cost			
23	calculations for the purpose of calculating prevailing costs included in the Standards of			
24	Quality (SOQ).			
25	15. Notwithstanding any other provision in statute or in this Item, the Department of			
26	Education is directed to eliminate the corresponding and appropriate object code(s) related to			
27	reported leases and rental and facility expenditures included the linear weighted average non-			
28	personal cost calculations for the purpose of calculating prevailing costs included in the			
29	Standards of Quality (SOQ).			
30	16. Notwithstanding any other provision in statute or in this Item, the Department of			
31	Education is directed to fund transportation costs using a 15 year replacement schedule, which			
32	is the national standard guideline, for school bus replacement schedule for the purpose of			
33	calculating funded transportation costs included in the Standards of Quality (SOQ).			
34	17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of			
35	Virginia, any school division that was granted a waiver regarding the opening date of the			
36	school year for the 2011-2012 school year under the good cause requirements shall continue			
37	to be granted a waiver for the 2020-2021 school year and the 2021-2022 school year.			
38	18. In the first year, to provide temporary flexibility, notwithstanding any other provision in			
39	statute or in this item, school divisions may elect to increase the teacher to pupil staffing ratios			
40	in kindergarten through grade 7 and English classes for grades 6 through 12 by one additional			
41	student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers,			
42	Prevention, Intervention and Remediation, Gifted and Talented, Career and Technical funded			
43	programs (other than on Career and Technical courses where school divisions will have to			
44	maintain a maximum class size based on federal Occupational Safety & Health			
45	Administration safety requirements) are waived; and the instructional and support technology			
46	positions, and librarian staffing ratios for new hires are waived.			
47	In the first year, school divisions shall report to the Board of Education the number and type			
48	of positions that were not filled in the previous school year and during the current school year			
49	through these flexibility provisions. The Board of Education shall include a compilation of			
50	such responses in its report on the conditions and needs of public education in the			
51	Commonwealth, that is required to be submitted to the Governor and General Assembly no			
52	later than December 1, as referenced in §§ 22.1-18 and 22.1-253.13:8 of the Code of Virginia.			
53	<b>B. General Conditions</b>			
54	1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for			



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1 instructional staff members to the employer's cost for a number not exceeding the number  
 2 of instructional positions required by the Standards of Quality for each school division and  
 3 for their salaries at the statewide prevailing salary levels as printed below.

	<b>Instructional Position</b>	<b>First Year Salary</b>	<b>Second Year Salary</b>
4			
5	Elementary Teachers	\$51,371	\$51,371
6	Elementary Assistant Principals	\$71,532	\$71,532
7	Elementary Principals	\$89,378	\$89,378
8	Secondary Teachers	\$53,777	\$53,777
9	Secondary Assistant Principals	\$77,181	\$77,181
10	Secondary Principals	\$99,215	\$99,215
11	Instructional Aides	\$18,995	\$18,995

12 a.1) Payment by the state to a local school division shall be based on the state share of  
 13 fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the  
 14 composite index.

15 2) A locality whose composite index exceeds 0.8000 shall be considered as having an  
 16 index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

17 3) The state payment to each school division for retirement, social security, and group life  
 18 insurance costs for non-instructional personnel is included in and distributed through  
 19 Basic Aid.

20 b. Payments to school divisions from this Item shall be calculated using March 31  
 21 Average Daily Membership adjusted for half-day kindergarten programs.

22 c. Payments for health insurance fringe benefits are included in and distributed through  
 23 Basic Aid.

24 2. Each locality shall offer a school program for all its eligible pupils which is acceptable  
 25 to the Department of Education as conforming to the Standards of Quality program  
 26 requirements.

27 3. In the event the statewide number of pupils in March 31 ADM results in a state share of  
 28 cost exceeding the general fund appropriation in this Item, the locality's state share of  
 29 Basic Aid shall be reduced proportionately so that this general fund appropriation will not  
 30 be exceeded. In addition, the required local share of Basic Aid shall also be reduced  
 31 proportionately to the reduction in the state's share.

32 4. The Department of Education shall make equitable adjustments in the computation of  
 33 indices of wealth and in other state-funded accounts for localities affected by annexation,  
 34 unless a court of competent jurisdiction makes such adjustments. However, only the  
 35 indices of wealth and other state-funded accounts of localities party to the annexation will  
 36 be adjusted.

37 5. In the event that the actual revenues from the state sales and use tax dedicated to public  
 38 education and those sales tax revenues transferred to the general fund from the Public  
 39 Education Standards of Quality/Local Real Estate Property Tax Relief Fund and  
 40 appropriated in this Item (both of which are returned on the basis of the latest yearly  
 41 estimate of school age population provided by the Weldon Cooper Center for Public  
 42 Service) for sales in the fiscal year in which the school year begins are different from the  
 43 number estimated as the basis for this appropriation, the estimated state sales and use tax  
 44 revenues shall not be adjusted.

45 6. This appropriation shall be apportioned to the public schools with guidelines established  
 46 by the Department of Education consistent with legislative intent as expressed in this act.

47 7.a. Appropriations of state funds in this Item include the number of positions required by  
 48 the Standards of Quality. This Item includes a minimum of 51 professional instructional  
 49 positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional  
 50 position (C 6); Occupational-Vocational Education Payments and Special Education  
 51 Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7

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1	and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current			
2	Standards of Quality. Funding in support of one hour of additional instruction per day based			
3	on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio			
4	range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English			
5	and Math Standards of Learning, is included in Remedial Education Payments (C 9).			
6	b. No actions provided in this section signify any intent of the General Assembly to mandate			
7	an increase in the number of instructional personnel per 1,000 students above the numbers			
8	explicitly stated in the preceding paragraph.			
9	c. Appropriations in this Item include programs supported in part by transfers to the general			
10	fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief			
11	Fund pursuant to Part 3 of this Act. These transfers combined together with other			
12	appropriations from the general fund in this Item funds the state's share of the following			
13	revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly			
14	of 2004: five elementary resource teachers per 1,000 students; one support technology			
15	position per 1,000 students; one instructional technology position per 1,000 students; and a			
16	full daily planning period for teachers at the middle and high school levels in order to relieve			
17	the financial pressure these education programs place on local real estate taxes.			
18	d. To provide flexibility, school divisions may use the state and local funds for instructional			
19	technology resource teachers required by the Standards of Quality to employ a data			
20	coordinator position, an instructional technology resource teacher position, or a data			
21	coordinator/instructional resource teacher blended position. The data coordinator position is			
22	intended to serve as a resource to principals and classroom teachers in the area of data			
23	analysis and interpretation for instructional and school improvement purposes, as well as for			
24	overall data management and administration of state assessments. School divisions using			
25	these SOQ funds in this manner shall only employ instructional personnel licensed by the			
26	Board of Education.			
27	e. To provide flexibility in the provision of reading intervention services, school divisions			
28	may use the state Early Reading Intervention initiative funding provided from the Lottery			
29	Proceeds Fund and the required local matching funds to employ reading specialists to provide			
30	the required reading intervention services. School divisions using the Early Reading			
31	Intervention Initiative funds in this manner shall only employ instructional personnel licensed			
32	by the Board of Education.			
33	f. To provide flexibility in the provision of mathematics intervention services, school			
34	divisions may use the state Standards of Learning Algebra Readiness initiative funding			
35	provided from the Lottery Proceeds Fund and the required local matching funds to employ			
36	mathematics teacher specialists to provide the required mathematics intervention services.			
37	School divisions using the Standards of Learning Algebra Readiness initiative funding in this			
38	manner shall only employ instructional personnel licensed by the Board of Education.			
39	g.1) Notwithstanding the provisions of subsection H of § 22.1-253.13:2, Code of Virginia, in			
40	the 2020-2021 school year, each school board shall employ the following full-time equivalent			
41	school counselor positions for any school that reports fall membership, according to the type			
42	of school and student enrollment: in elementary schools, one hour per day per 91 students,			
43	one full-time at 455 students, one hour per day additional time per 91 students or major			
44	fraction thereof; in middle schools, one period per 74 students, one full-time at 370 students,			
45	one additional period per 74 students or major fraction thereof; in high schools, one period per			
46	65 students, one full-time at 325 students, one additional period per 65 students or major			
47	fraction thereof.			
48	2) Effective with the 2021-2022 school year, local school boards shall employ one full-time			
49	equivalent school counselor position per 325 students in grades kindergarten through 12.			
50	8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to			
51	make calculations at the start of the school year to ensure that school divisions have			
52	appropriated adequate funds to support their estimated required local expenditure for the			
53	corresponding state fiscal year. In an effort to reduce the administrative burden on school			
54	divisions resulting from state data collections, such as the one needed to make the			
55	aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to			
56	the adequacy of estimated required local expenditures, shall be satisfied by signed			

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1	certification by each division superintendent at the beginning of each school year that			
2	sufficient local funds have been budgeted to meet all state required local effort and			
3	required local match amounts. This provision shall only apply to calculations required of			
4	the Department of Education related to estimated required local expenditures and shall not			
5	pertain to the calculations associated with actual required local expenditures after the close			
6	of the school year.			
7	2) The Department of Education shall also make calculations after the close of the school			
8	year to verify that the required local effort level, based on actual March 31 Average Daily			
9	Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of			
10	Education shall report annually, no later than the first day of the General Assembly			
11	session, to the House Committees on Education and Appropriations and the Senate			
12	Committees on Finance and Education and Health, the results of such calculations made			
13	after the close of the school year and the degree to which each school division has met,			
14	failed to meet, or surpassed its required local expenditure. The Department of Education			
15	shall specify the calculations to determine if a school division has expended its required			
16	local expenditure for the Standards of Quality. This calculation may include but is not			
17	limited to the following calculations:			
18	b. The total expenditures for operation, defined as total expenditures less all capital			
19	outlays, expenditures for debt service, facilities, non-regular day school programs (such as			
20	adult education, preschool, and non-local education programs), and any transfers to			
21	regional programs will be calculated.			
22	c. The following state funds will be deducted from the amount calculated in paragraph a.			
23	above: revenues from the state sales and use tax (returned on the basis of the latest yearly			
24	estimate of school age population provided by the Weldon Cooper Center for Public			
25	Service, as specified in this Item) for sales in the fiscal year in which the school year			
26	begins; total receipts from state funds (except state funds for non-regular day school			
27	programs and state funds used for capital or debt service purposes); and the state share of			
28	any balances carried forward from the previous fiscal year. Any qualifying state funds that			
29	remain unspent at the end of the fiscal year will be added to the amount calculated in			
30	paragraph a. above.			
31	d. Federal funds, and any federal funds carried forward from the previous fiscal year, will			
32	also be deducted from the amount calculated in paragraph a. above. Any federal funds that			
33	remain unspent at the end of the fiscal year and any capital expenditures paid from federal			
34	funds will be added to the amount calculated in paragraph a. above.			
35	e. Tuition receipts, receipts from payments from other cities or counties, and fund			
36	transfers will also be deducted from the amount calculated in paragraph a, then			
37	f. The final amount calculated as described above must be equal to or greater than the			
38	required local expenditure defined in paragraph A. 5.			
39	g. The Department of Education shall collect the data necessary to perform the			
40	calculations of required local expenditure as required by this section.			
41	h. A locality whose expenditure in fact exceeds the required amount from local funds may			
42	not reduce its expenditures unless it first complies with all of the Standards of Quality.			
43	9.a. Any required local matching funds which a locality, as of the end of a school year, has			
44	not expended, pursuant to this Item, for the Standards of Quality shall be paid by the			
45	locality into the general fund of the state treasury. Such payments shall be made not later			
46	than the end of the school year following that in which the under expenditure occurs.			
47	b. Whenever the Department of Education has recovered funds as defined in the preceding			
48	paragraph a., the Secretary of Education is authorized to repay to the locality affected by			
49	that action, seventy-five percent (75%) of those funds upon his determination that:			
50	1) The local school board agrees to include the funds in its June 30 ending balance for the			
51	year following that in which the under expenditure occurs;			
52	2) The local governing body agrees to reappropriate the funds as a supplemental			
53	appropriation to the approved budget for the second year following that in which the under			

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1	expenditure occurs, in an appropriate category as requested by the local school board, for the			
2	direct benefit of the students;			
3	3) The local school board agrees to expend these funds, over and above the funds required to			
4	meet the required local expenditure for the second year following that in which the under			
5	expenditure occurs, for a special project, the details of which must be furnished to the			
6	Department of Education for review and approval;			
7	4) The local school board agrees to submit quarterly reports to the Department of Education			
8	on the use of funds provided through this project award; and			
9	5) The local governing body and the local school board agree that the project award will be			
10	cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of			
11	the second year following that in which the under expenditure occurs.			
12	c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient,			
13	not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding			
14	paragraph a.			
15	<i>d. Notwithstanding the provisions set forth in this Act or in § 22.1-97, Code of Virginia,</i>			
16	<i>required local effort and required local match obligations are waived for fiscal year 2021.</i>			
17	10. The Department of Education shall specify the manner for collecting the required			
18	information and the method for determining if a school division has expended the local funds			
19	required to support the actual local match based on all Lottery and Incentive programs in			
20	which the school division has elected to participate. Unless specifically stated otherwise in			
21	this Item, school divisions electing to participate in any Lottery or Incentive program that			
22	requires a local funding match in order to receive state funding, shall certify to the			
23	Department of Education its intent to participate in each program by July 1 each fiscal year in			
24	a manner prescribed by the Department of Education. As part of this certification process,			
25	each division superintendent must also certify that adequate local funds have been			
26	appropriated, above the required local effort for the Standards of Quality, to support the			
27	projected required local match based on the Lottery and Incentive programs in which the			
28	school division has elected to participate. State funding for such program(s) shall not be made			
29	until such time that the school division can certify that sufficient local funding has been			
30	appropriated to meet required local match. The Department of Education shall make			
31	calculations after the close of the fiscal year to verify that the required local match was met			
32	based on the state funds that were received.			
33	11. Any sum of local matching funds for Lottery and Incentive program which a locality has			
34	not expended as of the end of a fiscal year in support of the required local match pursuant to			
35	this Item shall be paid by the locality into the general fund of the state treasury unless the			
36	carryover of those unspent funds is specifically permitted by other provisions of this act. Such			
37	payments shall be made no later than the end of the school year following that in which the			
38	under expenditure occurred.			
39	12. The Superintendent of Public Instruction shall provide a report annually, no later than the			
40	first day of the General Assembly session, on the status of teacher salaries, by local school			
41	division, to the Governor and the Chairmen of the Senate Finance and House Appropriations			
42	Committees. In addition to information on average salaries by school division and statewide			
43	comparisons with other states, the report shall also include information on starting salaries by			
44	school division and average teacher salaries by school.			
45	13. All state and local matching funds required by the programs in this Item shall be			
46	appropriated to the budget of the local school board.			
47	14. By November 15 of each year, the Department of Planning and Budget, in cooperation			
48	with the Department of Education, shall prepare and submit a preliminary forecast of			
49	Standards of Quality expenditures, based upon the most current data available, to the			
50	Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered			
51	years, the forecast for the current and subsequent two fiscal years shall be provided. In even-			
52	numbered years, the forecast for the current and subsequent fiscal year shall be provided. The			
53	forecast shall detail the projected March 31 Average Daily Membership and the resulting			
54	impact on the education budget.			

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1	15. School divisions may choose to use state payments provided for Standards of Quality				
2	Prevention, Intervention, and Remediation in both years as a block grant for remediation				
3	purposes, without restrictions or reporting requirements, other than reporting necessary as				
4	a basis for determining funding for the program.				
5	16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall				
6	provide guidelines for the distribution and expenditure of general fund appropriations and				
7	such additional federal, private and other funds as may be made available to aid in the				
8	establishment and maintenance of the public schools.				
9	17. At the Department of Education's option, fees for audio-visual services may be				
10	deducted from state Basic Aid payments for individual local school divisions.				
11	18. For distributions not otherwise specified, the Department of Education, at its option,				
12	may use prior year data to calculate actual disbursements to individual localities.				
13	19. Payments for accounts related to the Standards of Quality made to localities for public				
14	education from the general fund, as provided herein, shall be payable in twenty-four semi-				
15	monthly installments at the middle and end of each month.				
16	20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the				
17	Department of Education shall, for purposes of calculating the state and local shares of the				
18	Standards of Quality, apportion state sales and use tax dedicated to public education and				
19	those sales tax revenues transferred to the general fund from the Public Education				
20	Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based				
21	on the July 1, 2018, estimate of school age population provided by the Weldon Cooper				
22	Center for Public Service and, in the second year, based on the July 1, 2019, estimate of				
23	school age population provided by the Weldon Cooper Center for Public Service.				
24	Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the				
25	State Comptroller shall distribute the state sales and use tax revenues dedicated to public				
26	education and those sales tax revenues transferred to the general fund from the Public				
27	Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first				
28	year based on the July 1, 2018, estimate of school age population provided by the Weldon				
29	Cooper Center for Public Service and, in the second year, based on the July 1, 2019,				
30	estimate of school age population provided by the Weldon Cooper Center for Public				
31	Service.				
32	21. The school divisions within the Tobacco Region, as defined by the Tobacco				
33	Indemnification and Community Revitalization Commission, shall jointly explore ways to				
34	maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
35	22. This Item includes appropriations totaling an estimated \$708,231,123 the first year and				
36	<del>\$690,903,334</del> \$843,361,811 the second year from the revenues deposited to the Lottery				
37	Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and				
38	towns to support public education programs pursuant to Article X, Section 7-A				
39	Constitution of Virginia. Any county, city, or town which accepts a distribution from this				
40	fund shall provide its portion of the cost of maintaining an educational program meeting				
41	the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without				
42	the use of distributions from the fund.				
43	23. For reporting purposes, the Department of Education shall include Lottery Proceeds				
44	Funds as state funds.				
45	24.a. Any locality that has met its required local effort for the Standards of Quality				
46	accounts for FY 2021 and that has met its required local match for incentive or Lottery-				
47	funded programs in which the locality elected to participate in FY 2021 may carry over				
48	into FY 2022 any remaining state Direct Aid to Public Education fund balances available				
49	to help minimize any FY 2022 revenue adjustments that may occur in state funding to that				
50	locality. Localities electing to carry forward such unspent state funds must appropriate the				
51	funds to the school division for expenditure in FY 2022.				
52	b. Any locality that has met its required local effort for the Standards of Quality accounts				
53	for FY 2022 and that has met its required local match for incentive or Lottery-funded				
54	programs in which the locality elected to participate in FY 2022 may carry over into FY				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2023 any remaining state Direct Aid to Public Education fund balances available to help			
2	minimize any FY 2023 revenue adjustments that may occur in state funding to that locality.			
3	Localities electing to carry forward such unspent state funds must appropriate the funds to the			
4	school division for expenditure in FY 2023.			
5	25. Localities are encouraged to allow school boards to carry over any unspent local			
6	allocations into the next fiscal year. Localities are also encouraged to provide increased			
7	flexibility to school boards by appropriating state and local funds for public education in a			
8	lump sum.			
9	26. The Department of Education shall include in the annual School Performance Report Card			
10	for school divisions the percentage of each division's annual operating budget allocated to			
11	instructional costs. For this report, the Department of Education shall establish a methodology			
12	for allocating each school division's expenditures to instructional and non-instructional costs			
13	in a manner that is consistent with the funding of the Standards of Quality as approved by the			
14	General Assembly.			
15	27. It is the intent of the General Assembly that all school divisions annually provide their			
16	employees, upon request, with a user-friendly statement of total compensation, including			
17	contract duration if less than 12 months.			
18	28. The Department of Education, in collaboration with the Virginia Community College			
19	System, will ensure that the same policies regarding the cost for dual enrollment courses held			
20	at a community college, are consistently applied to public school students and home-schooled			
21	students alike. These policies will clearly address the school division contributions and any			
22	student charges for dual enrollment courses, and will ensure that public school students and			
23	home-school students are treated in the same manner.			
24	29. Each school division shall report each year to the Department of Education the individual			
25	uses for the prior year of the following funds prescribed by this item: (i) Prevention,			
26	Intervention, and Remediation, (ii) At-Risk Add-On, and (iii) Early Reading Intervention. The			
27	Department shall prescribe the format and timeline required for the reporting of such			
28	information, which shall include, permitted categories of spending, personnel, both state and			
29	local contributions, and to the extent possible, the individual schools which these funds were			
30	expended. The Department shall compile and submit this information to the Chairs of the			
31	House Appropriations and Senate Finance and Appropriations Committees no later than the			
32	first day of the General Assembly session.			
33	30. In the first year only, the Department of Education shall not reduce semi-monthly			
34	payments to school divisions due to mid-year adjustments to ADM projections. Semi-monthly			
35	payments occurring after the final calculation of March 31 ADM shall be adjusted to address			
36	changes in membership that occur throughout the school year. It is the intent of the General			
37	Assembly that this is a one-time action to address fluctuating enrollment resulting from the			
38	COVID-19 emergency.			
39	31. Beginning in the second year, multidivision online providers, as defined in § 22.1-212.23,			
40	Code of Virginia, shall provide certain data as prescribed by the Department of Education			
41	related to students enrolled through a contract between such a provider and a school division,			
42	including such students who do not reside in the school division that is party to the contract.			
43	Such data shall include, but is not limited to, enrollment, which shall be disaggregated by			
44	serving school, demographics, attendance, achievement, and achievement gaps, and be			
45	transmitted in a format prescribed by the Department. The Department shall report such data			
46	annually through the School Quality Profiles in a manner that clearly disaggregates and			
47	communicates school quality information related to (i) the students that do not reside in the			
48	school division and are served through the contract, and (ii) all other students.			
49	<b>C. Apportionment</b>			
50	1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each			
51	locality shall receive sums as listed above within this program for the basic operation cost and			
52	payments in addition to that cost. The apportionment herein directed shall be inclusive of, and			
53	without further payment by reason of, state funds for library and other teaching materials.			
54	2. School Employee Retirement Contributions			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	a. This Item provides funds to each local school board for the state share of the employer's			
2	retirement cost incurred by it, on behalf of instructional and support personnel, for			
3	subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter			
4	1, Code of Virginia.			
5	b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide			
6	payments for only the state share of the Standards of Quality fringe benefit cost of the			
7	retiree health care credit. This Item includes payments in both years based on the state			
8	share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of			
9	Quality instructional and support positions, distributed based on the composite index of			
10	the local ability-to-pay.			
11	3. School Employee Social Security Contributions			
12	a. This Item provides funds to each local school board for the state share of the employer's			
13	Social Security cost incurred by it, on behalf of the instructional personnel for subsequent			
14	transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.			
15	b. Appropriations for contributions in paragraphs 2 and 3 above include payments from			
16	funds derived from the principal of the Literary Fund in accordance with Article VIII,			
17	Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund			
18	for these purposes shall not exceed \$162,000,000 the first year and <del>\$83,000,000</del>			
19	\$15,900,000 the second year.			
20	4. School Employee Insurance Contributions			
21	This Item provides funds to each local school board for the state share of the employer's			
22	Group Life Insurance cost incurred by it on behalf of instructional personnel who			
23	participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of			
24	Virginia.			
25	5. Basic Aid Payments			
26	a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is			
27	established individually for each local school division based on the number of			
28	instructional personnel required by the Standards of Quality and the statewide prevailing			
29	salary levels (adjusted in Planning District Eight for the cost of competing) as well as			
30	recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.			
31	2) This appropriation includes funding to recognize the common labor market in the			
32	Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area.			
33	Standards of Quality salary payments for instructional and support positions in school			
34	divisions of the localities set out below have been adjusted for the equivalent portion of			
35	the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in			
36	Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke,			
37	Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the			
38	SOQ payments for instructional and support positions have been increased by 25 percent			
39	each year of the COCA rates paid to school divisions in Planning District Eight.			
40	The support COCA rate is 10.6 percent the first year and 18.0 percent the second year.			
41	b. The state share for a locality shall be equal to the Basic Operation Cost for that locality			
42	less the locality's estimated revenues from the state sales and use tax (returned on the basis			
43	of the latest yearly estimate of school age population provided by the Weldon Cooper			
44	Center for Public Service, as specified in this Item), in the fiscal year in which the school			
45	year begins and less the required local expenditure.			
46	c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use			
47	tax estimates are as cited in this Item.			
48	d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of			
49	Education shall deduct the locality's share for the education of handicapped pupils residing			
50	in institutions within the Department of Behavioral Health and Developmental Services			
51	from the locality's Basic Aid payments.			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2) The amounts deducted from Basic Aid for the education of intellectually disabled persons			
2	shall be transferred to the Department of Behavioral Health and Developmental Services in			
3	support of the cost of educating such persons; the amount deducted from Basic Aid for the			
4	education of emotionally disturbed persons shall be used to cover extraordinary expenses			
5	incurred in the education of such persons. The Department of Education shall establish			
6	guidelines to implement these provisions and shall provide for the periodic transfer of sums			
7	due from each local school division to the Department of Behavioral Health and			
8	Developmental Services and for Special Education categorical payments. The amount of the			
9	actual transfers will be based on data accumulated during the prior school year.			
10	e. 1) The apportionment to localities of all driver education revenues received during the			
11	school year shall be made as an undesignated component of the state share of Basic Aid in			
12	accordance with the provisions of this Item. Only school divisions complying with the			
13	standardized program established by the Board of Education shall be entitled to participate in			
14	the distribution of state funds appropriated for driver education. The Department of Education			
15	will deduct a designated amount per pupil from a school division's Basic Aid payment when			
16	the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount			
17	will be computed by dividing the current appropriation for the Driver Education Fund by			
18	actual March 31 ADM.			
19	2) Local school boards may charge a per pupil fee for behind-the-wheel driver education			
20	provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver			
21	education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a			
22	pro rata reduction in Basic Aid payments to school divisions.			
23	f. Textbooks			
24	1) The appropriation in this Item includes \$72,851,568 the first year and <del>\$73,119,307</del>			
25	\$59,223,200 the second year from the general fund <i>and \$13,362,040 the second year from the</i>			
26	<i>Lottery Proceeds Fund</i> as the state's share of the cost of textbooks based on a per pupil			
27	amount of \$107.47 the first year and \$107.47 the second year. A school division shall			
28	appropriate these funds for textbooks or any other public education instructional expenditure			
29	by the school division. The state's distributions for textbooks shall be based on adjusted			
30	March 31 ADM. These funds shall be matched by the local government, based on the			
31	composite index of local ability-to-pay.			
32	2) School divisions shall provide free textbooks to all students.			
33	3) School divisions may use a portion of this funding to purchase Standards of Learning			
34	instructional materials. School divisions may also use these funds to purchase electronic			
35	textbooks or other electronic media resources integral to the curriculum and classroom			
36	instruction and the technical equipment required to read and access the electronic textbooks			
37	and electronic curriculum materials.			
38	4) Any funds provided to school divisions for textbook costs that are unexpended as of June			
39	30, 2021, or June 30, 2022, shall be carried on the books of the locality to be appropriated to			
40	the school division the following year to be used for same purpose. School divisions are			
41	permitted to carry forward any remaining balance of textbook funds until the funds are			
42	expended for a qualifying purpose.			
43	5) Notwithstanding any other provision in statute or in this item, to provide temporary			
44	flexibility in the first year, school divisions may elect to use textbook payments to address			
45	costs incurred as a result of reopening schools that were closed due to the COVID-19			
46	pandemic or to support virtual learning needs in school divisions that have not fully reopened			
47	to in-person instruction. Such costs may include, but are not limited to cleaning supplies,			
48	personal protective equipment, reduced class sizes to meet social distancing guidelines,			
49	technology needs and internet access. No local match is required to receive these state funds			
50	in the first year only and such local match shall be excluded from the determination of			
51	required local effort in the first year pursuant to Item 145.B.8. of this act, and § 22.1-97, Code			
52	of Virginia.			
53	g. The one-cent state sales and use tax earmarked for education and the sales tax revenues			
54	transferred to the general fund from the Public Education Standards of Quality/Local Real			
55	Estate Property Tax Relief Fund and appropriated in this Item which are distributed to			



ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	localities on the basis of the latest yearly estimate of school age population provided by			
2	the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in			
3	each locality's annual budget for educational purposes as a separate revenue source for the			
4	current fiscal year.			
5	h. The appropriation for the Standards of Quality for Public Education (SOQ) includes			
6	amounts estimated at \$421,600,000 the first year and <del>\$433,800,000</del> \$487,300,000 the			
7	second year from the amounts transferred to the general fund from the Public Education			
8	Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this			
9	act which are derived from the 0.375 cent increase in the state sales and use tax levied			
10	pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local			
11	school divisions and local governments in order to relieve the financial pressure education			
12	programs place on local real estate taxes.			
13	i. From the total amounts in paragraph h. above, an amount estimated at \$281,000,000 the			
14	first year and <del>\$289,200,000</del> \$324,900,000 the second year (approximately 1/4 cent of sales			
15	and use tax) is appropriated to support a portion of the cost of the state's share of the			
16	following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the			
17	Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one			
18	support and one instructional technology position per 1,000 students; a full daily planning			
19	period for teachers at the middle and high school levels in order to relieve the pressure on			
20	local real estate taxes and shall be taken into account by the governing body of the county,			
21	city, or town in setting real estate tax rates.			
22	j. From the total amounts in paragraph h. above, an amount estimated at \$140,500,000 the			
23	first year and <del>\$144,600,000</del> \$162,400,000 the second year (approximately 1/8 cent of sales			
24	and use tax) is appropriated in this Item to distribute the remainder of the revenues			
25	collected and deposited into the Public Education Standards of Quality/Local Real Estate			
26	Property Tax Relief Fund on the basis of the latest yearly estimate of school age			
27	population provided by the Weldon Cooper Center for Public Service as specified in this			
28	Item.			
29	k. For the purposes of funding certain support positions in Basic Aid, a funding ratio			
30	methodology is used based upon the prevailing ratio of actual support positions, consistent			
31	with those recognized for SOQ funding, to actual instructional positions, consistent with			
32	those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly.			
33	For the purposes of making the required spending adjustments, the appropriation and			
34	distribution of Basic Aid shall reflect this methodology. Local school divisions shall have			
35	the discretion as to where the adjustment may be made, consistent with the Standards of			
36	Quality funded in this Act. Beginning in the second year, such methodology shall not			
37	apply to specialized student support positions due to the establishment of a staffing			
38	standard for such positions, pursuant to Senate Bill 1257, 2021 Special Session I.			
39	6. Education of the Gifted Payments			
40	a. An additional payment shall be disbursed by the Department of Education to local			
41	school divisions to support the state share of one full-time equivalent instructional position			
42	per 1,000 students in adjusted March 31 ADM.			
43	b. Local school divisions are required to spend, as part of the required local expenditure			
44	for the Standards of Quality the established per pupil cost for gifted education (state and			
45	local share) on approved programs for the gifted.			
46	7. Occupational-Vocational Education Payments			
47	a. An additional payment shall be disbursed by the Department of Education to the local			
48	school divisions to support the state share of the number of Vocational Education			
49	instructors required by the Standards of Quality. These funds shall be disbursed on the			
50	same basis as the payment is calculated.			
51	b. An amount estimated at \$129,097,542 the first year and \$129,160,173 the second year			
52	from the general fund included in Basic Aid Payments relates to vocational education			
53	programs in support of the Standards of Quality.			
54	8. Special Education Payments			

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	a. An additional payment shall be disbursed by the Department of Education to the local				
2	school divisions to support the state share of the number of Special Education instructors				
3	required by the Standards of Quality. These funds shall be disbursed on the same basis as the				
4	payment is calculated.				
5	b. Out of the amounts for special education payments, general fund support is provided to				
6	fund the caseload standards for speech pathologists at 68 students for each year of the				
7	biennium.				
8	9. Remedial Education Payments				
9	a. An additional payment estimated at \$117,973,133 the first year and <del>\$118,181,833</del>				
10	<del>\$116,300,292</del> the second year from the general fund shall be disbursed by the Department of				
11	Education to support the Board of Education's Standards of Quality Prevention, Intervention,				
12	and Remediation program adopted in June 2003.				
13	b. The payment shall be calculated based on one hour of additional instruction per day for				
14	identified students, using the three year average percent of students eligible for the federal				
15	Free Lunch program as a proxy for students needing such services. Fall membership shall be				
16	multiplied by the three year average division-level Free Lunch eligibility percentage to				
17	determine the estimated number of students eligible for services. Pupil-teacher ratios shall be				
18	applied to the estimated number of eligible students to determine the number of instructional				
19	positions needed for each school division. The pupil-teacher ratio applied for each school				
20	division shall range from 10:1 for those divisions with the most severe combined three year				
21	average failure rates for English and math Standards of Learning test scores to 18:1 for those				
22	divisions with the lowest combined three year average failure rates for English and math				
23	Standards of Learning test scores.				
24	c. Funding shall be matched by the local government based on the composite index of local				
25	ability-to-pay.				
26	d. To provide flexibility in the instruction of English Language Learners who have limited				
27	English proficiency and who are at risk of not meeting state accountability standards, school				
28	divisions may use state and local funds from the SOQ Prevention, Intervention, and				
29	Remediation account to employ additional English Language Learner teachers to provide				
30	instruction to identified limited English proficiency students. Using these funds in this manner				
31	is intended to supplement the instructional services provided through the staffing standard of				
32	20 instructional positions per 1,000 limited English proficiency students. School divisions				
33	using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only				
34	employ instructional personnel licensed by the Board of Education.				
35	e. An additional state payment estimated at \$107,830,098 the first year and <del>\$147,939,452</del> the				
36	<del>second year</del> from the general fund and \$69,256,566 the first year and <del>\$85,024,872</del>				
37	<del>\$228,474,889</del> the second year from the Lottery Proceeds Fund shall be disbursed based on the				
38	estimated number of federal Free Lunch participants, in support of programs for students who				
39	are educationally at risk. The additional payment shall be based on the state share of:				
40	1) A minimum 1.0 percent Add-On, as a percent of the per pupil basic aid cost, for each child				
41	who qualifies for the federal Free Lunch Program; and				
42	2) An addition to the Add-On, based on the concentration of children qualifying for the				
43	federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school				
44	division will receive a total between 1.0 and 19.9 percent in the first year and between 1.0 and				
45	26.0 percent in the second year in additional basic aid per Free Lunch participant. These funds				
46	shall be matched by the local government, based on the composite index of local ability-to-				
47	pay.				
48	3a) Local school divisions are required to spend the established At-Risk Add-On payment				
49	(state and local share) on approved programs for students who are educationally at risk.				
50	b) To receive these funds, each school division shall certify to the Department of Education				
51	that the state and local share of the At-Risk Add-On payment will be used to support				
52	approved programs for students who are educationally at risk. These programs may include:				
53	teacher recruitment programs and incentives, Dropout Prevention, community and school-				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	based truancy officer programs, Advancement Via Individual Determination (AVID),			
2	Project Discovery, Reading Recovery, programs for students who speak English as a			
3	Second Language, hiring additional school guidance counselors, testing coordinators, and			
4	licensed behavior analysts, or programs related to increasing the success of disadvantaged			
5	students in completing a high school degree and providing opportunities to encourage			
6	further education and training. Further, in the first year only each school division shall			
7	report by August 1 to the Department the individual uses of these funds. The Department			
8	shall compile the responses and provide them to the Chairmen of House Appropriations			
9	and Senate Finance Committees no later than the first day of each Regular General			
10	Assembly Session.			
11	4) If the Board of Education has required a local school board to submit a corrective			
12	action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division			
13	pursuant to a division level review, or for any schools within its division that have been			
14	designated as not meeting the standards as approved by the Board of Education, the			
15	Superintendent of Public Instruction shall determine and report to the Board of Education			
16	whether each such local school board has met its obligation to develop and submit such			
17	corrective action plan(s) and is making adequate and timely progress in implementing the			
18	plan(s). Additionally, if an academic or other review process undertaken pursuant to §			
19	22.1-253.13:3, Code of Virginia, has identified actions for a local school board to			
20	implement, the Superintendent of Public Instruction shall determine and report to the			
21	Board of Education whether the local school board has implemented required actions. If			
22	the Superintendent certifies that a local school board has failed or refused to meet any of			
23	those obligations as referenced in a memorandum of understanding between the local			
24	school board and the Board of Education, the Board of Education shall withhold payment			
25	of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant			
26	to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-			
27	On funds to be withheld, the Board of Education shall take into consideration the extent to			
28	which such funds have already been expended or contractually obligated. The local school			
29	board shall be given an opportunity to correct its failure and, if successful in a timely			
30	manner, may have some or all of its At-Risk Add-On funds restored at the Board of			
31	Education's discretion.			
32	f. Regional Alternative Education Programs			
33	1) An additional state payment of \$9,206,220 the first year and <del>\$9,870,797</del> \$9,849,223 the			
34	second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative			
35	Education programs. Such programs shall be for the purpose of educating certain expelled			
36	students and, as appropriate, students who have received suspensions from public schools			
37	and students returned to the community from the Department of Juvenile Justice.			
38	2) Each regional program shall have a small student/staff ratio. Such staff shall include,			
39	but not be limited to education, mental health, health, and law enforcement professionals,			
40	who will collaborate to provide for the academic, psychological, and social needs of the			
41	students. Each program shall be designed to ensure that students make the transition back			
42	into the "mainstream" within their local school division.			
43	3) a) Regional alternative education programs are funded through this Item based on the			
44	state's share of the incremental per pupil cost for providing such programs. This			
45	incremental per pupil payment shall be adjusted for the composite index of local ability-			
46	to-pay of the school division that counts such students attending such program in its			
47	March 31 Average Daily Membership. It is the intent of the General Assembly that this			
48	incremental per pupil amount be in addition to the basic aid per pupil funding provided to			
49	the affected school division for such students. Therefore, local school divisions are			
50	encouraged to provide the appropriate portion of the basic aid per pupil funding to the			
51	regional programs for students attending these programs, adjusted for costs incurred by the			
52	school division for transportation, administration, and any portion of the school day or			
53	school year that the student does not attend such program.			
54	b) In the event a school division does not use all of the student slots it is allocated under			
55	this program, the unused slots may be reallocated or transferred to another school division.			
56	1. A school division must request from the Department of Education the availability and			
57	possible use of any unused student slots. If any unused slots are available and if the			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
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1	requesting school division chooses to utilize any of the unused slots, the requesting school			
2	division shall only receive the state's share of tuition for the unused slot that was allocated in			
3	this Item for the originally designated school division.			
4	2. However, no requesting school division shall receive more tuition funding from the state			
5	for any requested unused slot than what would have been the calculated amount for the			
6	requesting school division had the unused slot been allocated to the requesting school division			
7	in the original budget. Furthermore, the requesting school division shall pay for any remaining			
8	tuition payment necessary for using a previously unused slot.			
9	3. The Department of Education shall provide assistance for the state share of the incremental			
10	cost of Regional Alternative Education program operations based on the composite index of			
11	local ability-to-pay.			
12	4) Out of the appropriation included in paragraph C.38. of this item, <del>\$759,098</del> \$757,515 the			
13	second year from the Lottery Proceeds Fund are provided for a compensation supplement			
14	payment equal to 5.0 percent of base pay on July 1, 2021, for Regional Alternative Education			
15	Program instructional and support positions, as referenced in paragraph C. 38. of this item.			
16	5) The Department of Education shall develop a plan to determine and biennially			
17	rebenchmark the allocation of existing regional alternative education program slots to			
18	participating school divisions. In developing a plan, the Department shall (i) identify a			
19	mechanism to calculate slot distribution based on the number of students in a participating			
20	division requiring regional alternative education, (ii) identify needs to implement such a plan,			
21	including reporting from local school divisions, (iii) identify any legislative and			
22	Appropriation Act amendments necessary for implementation, and (iv) plan for the full			
23	implementation to rebenchmark the slot allocation of regional alternative education programs.			
24	The Department shall report the recommendation to the Secretary of Education, and the			
25	Chairs of the House Appropriations and Senate Finance and Appropriations Committees by			
26	August 1, 2021.			
27	g. Remedial Summer School			
28	1) This appropriation includes \$17,994,400 the first year and <del>\$22,584,988</del> \$40,206,577 the			
29	second year from the general fund for the state's share of Remedial Summer School Programs.			
30	These funds are available to school divisions for the operation of programs designed to			
31	remediate students who are required to attend such programs during a summer school session			
32	or during an intersession in the case of year-round schools. These funds may be used in			
33	conjunction with other sources of state funding for remediation or intervention. School			
34	divisions shall have maximum flexibility with respect to the use of these funds and the types			
35	of remediation programs offered; however, in exercising this flexibility, students attending			
36	these programs shall not be charged tuition and no high school credit may be awarded to			
37	students who participate in this program.			
38	2) For school divisions charging students tuition for summer high school credit courses,			
39	consideration shall be given to students from households with extenuating financial			
40	circumstances who are repeating a class in order to graduate.			
41	10. K-3 Primary Class Size Reduction Payments			
42	a. An additional payment estimated at \$129,176,942 the first year and <del>\$132,995,629</del>			
43	\$130,657,337 the second year from the Lottery Proceeds Fund shall be disbursed by the			
44	Department of Education as an incentive for reducing class sizes in the primary grades.			
45	b. The Department of Education shall calculate the payment based on the incremental cost of			
46	providing the lower class sizes based on the lower of the division average per pupil cost of all			
47	divisions or the actual division per pupil cost.			
48	c. Localities are required to provide a match for these funds based on the composite index of			
49	local ability-to-pay.			
50	d. By October 15 of each year school divisions must provide data to the Department of			
51	Education that each participating school has a September 30 pupil/teacher ratio in grades K			
52	through 3 that meet the following criteria:			

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<b>Qualifying School Percentage of</b>	<b>Grades K-3</b>		<b>Maximum Individual</b>	
2	<b>Students Approved</b>				
3	<b>Eligible for Free Lunch, Three-Year</b>	<b>School Ratio</b>		<b>K-3 Class Size</b>	
4	<b>Average</b>				
5	30% but less than 45%	19 to 1		24	
6	45% but less than 55%	18 to 1		23	
7	55% but less than 65%	17 to 1		22	
8	65% but less than 70%	16 to 1		21	
9	70% but less than 75%	15 to 1		20	
10	75% or more	14 to 1		19	
11	e. School divisions may elect to have eligible schools participate at a higher ratio, or only				
12	in a portion of grades kindergarten through three, with a commensurate reduction of state				
13	and required local funds, if local conditions do not permit participation at the established				
14	ratio and/or maximum individual class size. In the event that a school division requires				
15	additional actions to ensure participation at the established ratio and/or maximum				
16	individual class size, such actions must be completed by December 1 of the impacted				
17	school year. Special education teachers and instructional aides shall not be counted				
18	towards meeting these required pupil/teacher ratios in grades kindergarten through three.				
19	f. The Superintendent of Public Instruction may grant waivers to school divisions for the				
20	class size requirement in eligible schools that have only one class in an affected grade				
21	level in the school.				
22	11. Literary Fund Subsidy Program Payments				
23	a. The Department of Education and the Virginia Public School Authority (VPSA) shall				
24	provide a program of funding for school construction and renovation through the Literary				
25	Fund and through VPSA bond sales. The program shall be used to provide funds, through				
26	Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the				
27	projects on the First or Second Literary Fund Waiting List, or other critical projects which				
28	may receive priority placement on the First or Second Literary Fund Waiting List by the				
29	Department of Education. Interest rate subsidies will provide school divisions with the				
30	present value difference in debt service between a Literary Fund loan and a borrowing				
31	through the VPSA. To qualify for an interest rate subsidy, the school division's project				
32	must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The				
33	VPSA shall work with the Department of Education in selecting those projects to be				
34	funded through the interest rate subsidy/bond financing program, so as to ensure the				
35	maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond				
36	Pool.				
37	b. The Department of Education may offer Literary Fund loans from the uncommitted				
38	balances of the Literary Fund after meeting the obligations of the interest rate subsidy				
39	sales and the amounts set aside from the Literary Fund for Debt Service Payments for				
40	Education Technology and Security Equipment in this Item.				
41	c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public				
42	School Authority (VPSA) authorized under the provisions of a bond resolution adopted				
43	subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from				
44	the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1,				
45	Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities,				
46	counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the				
47	application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities,				
48	is less than the debt service due on such bonds of the VPSA on such date, there is hereby				
49	appropriated to the VPSA, first, from available moneys of the Literary Fund and, second,				
50	from the general fund a sum equal to such deficiency.				
51	2) The Commonwealth shall be subrogated to the VPSA to the extent of any such				
52	appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with				
53	respect to the defaulting locality and to full recovery of the amount of such deficiency,				
54	together with interest at the rate of the defaulting locality's bonds.				

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1			
2	of each year, make and deliver to the Governor and the Secretary of Finance a certificate			
3	setting forth his estimate of total debt service during each fiscal year of the biennium on			
4	bonds of the VPSA issued and projected to be issued during such biennium pursuant to the			
5	bond resolution referred to in paragraph a above. The Governor's budget submission each year			
6	shall include provisions for the payment of debt service pursuant to paragraph 1) above.			
7	e. The Virginia Department of Education and the Virginia Department of the Treasury shall			
8	develop recommendations to make Literary Fund construction loans more competitive and			
9	attractive to school divisions as a viable source for funding school construction projects. The			
10	objective of such recommendations should focus on making such loans valuable to both the			
11	Literary Fund and the borrowing localities with a goal of increasing localities' use of loans			
12	and increasing the overall health of the Literary Fund. The agencies should consider changes			
13	to the Literary Fund loan program and State Board of Education regulations that reflect			
14	market-favorable interest rates and provide loan alternatives for localities that are competitive			
15	with the Virginia Public School Authority and other construction financing programs. The			
16	agencies shall report these recommendations to the Governor and the Chairpersons of the			
17	House Appropriations and Senate Finance and Appropriations Committees no later than July			
18	31, 2021.			
19	12. Educational Technology Payments			
20	a. Any unobligated amounts transferred to the educational technology fund shall be disbursed			
21	on a pro rata basis to localities. The additional funds shall be used for technology needs			
22	identified in the division's technology plan approved by the Department of Education.			
23	b. The Department of Education shall authorize estimated amounts as indicated in Table 1			
24	from the Literary Fund to provide debt service payments for the education technology grant			
25	program conducted through the Virginia Public School Authority in the referenced years.			
26	Table 1			
27	<b>Grant Year</b>	<b>FY 2021</b>	<b>FY 2022</b>	
28	2016	\$13,755,000		
29	2017	\$13,952,250	\$13,954,500	
30	2018	\$12,473,250	\$12,469,500	
31	2019	\$11,978,250	\$11,975,500	
32	2020	\$11,390,975	\$11,389,500	
33	2021		\$12,301,025	
34			\$11,350,673	
35	c. It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to			
36	pay debt service on the Virginia Public School Authority bonds or notes authorized for			
37	education technology grant programs. In developing the proposed 2022-2024, 2024-2026, and			
38	2026-2028 biennial budgets for public education, the Department of Education shall include a			
39	recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt			
40	service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and 2027.			
41	d. 1) An education technology grant program shall be conducted through the Virginia Public			
42	School Authority, through the issuance of equipment notes in an amount estimated at			
43	\$56,085,200 in fiscal year 2021 and <del>\$57,308,800</del> \$56,110,800 in fiscal year 2022. Proceeds of			
44	the notes will be used to establish a computer-based instructional and testing system for the			
45	Standards of Learning (SOL) and to develop the capability for high speed Internet			
46	connectivity at high schools followed by middle schools followed by elementary schools.			
47	School divisions shall use these funds first to develop and maintain the capability to support			
48	the administration of online SOL testing for all students with the exception of students with a			
49	documented need for a paper SOL test.			
50	2) Grant funds from the issuance of \$56,085,200 in fiscal year 2021 and <del>\$57,308,800</del>			
51	\$56,110,800 in fiscal year 2022 in equipment notes are based on a grant of \$26,000 per school			
52	and \$50,000 per school division. For purposes of this grant program, eligible schools shall			
53	include schools that are subject to state accreditation and reporting membership in grades K			
54	through 12 as of September 30, 2020, for the fiscal year 2021 issuance, and September 30,			

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2021, for the fiscal year 2022 issuance, as well as regional vocational centers, special				
2	education centers, alternative education centers, regular school year Governor's Schools,				
3	CodeRVA Regional High School, and the School for the Deaf and the Blind. Schools that				
4	serve only pre-kindergarten students shall not be eligible for this grant.				
5	3. a.) Supplemental grants shall be allocated to eligible divisions to support schools that				
6	are not fully accredited in accordance with this paragraph. Schools that include a ninth				
7	grade that administer SOL tests in Spring 2020 and that are not fully accredited for the				
8	second consecutive year, based on school accreditation ratings in effect for fiscal year				
9	2020 and fiscal year 2021 will qualify to participate in the Virginia e-Learning Backpack				
10	Initiative in fiscal year 2021 and receive: (1) a supplemental grant of \$400 per student				
11	reported in ninth grade fall membership in a qualifying school for the purchase of a laptop				
12	or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to				
13	purchase two content creation packages for teachers. Schools eligible to receive this				
14	supplemental grant in fiscal year 2021 shall continue to receive the grant for the number of				
15	subsequent years equaling the number of grades 9 through 12 in the qualifying school up				
16	to a maximum of four years. Schools that administer SOL tests in Spring 2021 and that are				
17	not fully accredited for the second consecutive year based on school accreditation ratings				
18	in effect for fiscal year 2021 and fiscal year 2022 will qualify to participate in the				
19	initiative in fiscal year 2022. Schools eligible for the supplemental grants in previous				
20	fiscal years shall continue to be eligible for the remaining years of their grant award.				
21	Schools eligible to receive this supplemental grant in fiscal year 2022 shall continue to				
22	receive the grant for the number of subsequent years equaling the number of grades 9				
23	through 12 in the qualifying school up to a maximum of four years. Grants awarded to				
24	qualifying schools that do not have grades 10, 11, or 12 may transition with the students to				
25	the primary receiving school for all years subsequent to grade 9. Schools are eligible to				
26	receive these grants for a period of up to four years beginning in fiscal year 2014 and shall				
27	not be eligible to receive a separate award in the future once the original award period has				
28	concluded. Schools that are fully accredited or that are new schools with conditional				
29	accreditation in their first year shall not be eligible to receive this supplemental grant.				
30	b.) Supplemental grants allocated to school divisions for participation in the Virginia e-				
31	Learning Backpack Initiative prior to fiscal year 2017 shall be used in eligible schools for				
32	(1) the purchase of a laptop or tablet for a student reported in ninth grade fall membership,				
33	and (2) the purchase of two content creation packages for teachers per grant. The amounts				
34	for such grants shall remain unchanged.				
35	4) Required local match:				
36	a) Localities are required to provide a match for these funds equal to 20 percent of the				
37	grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At				
38	least 25 percent of the local match, including the match for supplemental grants, shall be				
39	used for teacher training in the use of instructional technology, with the remainder spent				
40	on other required uses. The Superintendent of Public Instruction is authorized to reduce				
41	the required local match for school divisions with a composite index of local ability-to-pay				
42	below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match				
43	requirement.				
44	b) School divisions that administer 100 percent of SOL tests online in all elementary,				
45	middle, and high schools may use up to 75 percent of their required local match to				
46	purchase targeted technology-based interventions. Such interventions may include the				
47	necessary technology and software to support online learning, technology-based content				
48	systems, content management systems, technology equipment systems, information and				
49	data management systems, and other appropriate technologies that support the individual				
50	needs of learners. School divisions that receive supplemental grants pursuant to paragraph				
51	g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for				
52	ninth grade students reported in fall membership and content creation packages for				
53	teachers.				
54	5) The goal of the education technology grant program is to improve the instructional,				
55	remedial, and testing capabilities of the Standards of Learning for local school divisions				
56	and to increase the number of schools achieving full accreditation.				
57	6) Funds shall be used in the following manner:				

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1	a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to				
2	computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed				
3	access to the Internet. School connectivity (computers, LANs and network access) shall				
4	include sufficient download/upload capability to ensure that each student will have adequate				
5	access to Internet-based instructional, remedial and assessment programs.				
6	b) When each high school in a division meets the goals established in paragraph a) above, the				
7	remaining funds shall be used to develop similar capability in first the middle schools and				
8	then the elementary schools.				
9	c) For purposes of establishing or enhancing a computer-based instructional program				
10	supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds				
11	may be used to purchase handheld multifunctional computing devices that support a broad				
12	range of applications and that are controlled by operating systems providing full multimedia				
13	support and mobile Internet connectivity. School divisions that elect to use these grant funds				
14	to purchase such qualifying handheld devices must continue to meet the on-line testing				
15	requirements stated in paragraph g. 1) above.				
16	d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5)				
17	above. These supplemental grants shall be used in qualifying schools for the purchase of				
18	laptops and tablets for ninth grade students reported in fall membership and content creation				
19	packages for teachers. Participating school divisions will be required to select a core set of				
20	electronic textbooks, applications and online services for productivity, learning management,				
21	collaboration, practice, and assessment to be included on all devices. In addition, participating				
22	school divisions will assume recurring costs for electronic textbook purchases and				
23	maintenance.				
24	e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school				
25	divisions became one school division, whether by consolidation of only the school divisions				
26	or by consolidation of the local governments, such resulting division shall be provided				
27	funding through this program on the basis of having the same number of school divisions as				
28	existed prior to September 30, 2000.				
29	7) Local school divisions shall maximize the use of available federal funds, including E-Rate				
30	Funds, and to the extent possible, use such funds to supplement the program and meet the				
31	goals of this program.				
32	e. The Department of Education shall maintain criteria to determine if high schools, middle				
33	schools, or elementary schools have the capacity to meet the goals of this initiative. The				
34	Department of Education shall be responsible for the project management of this program.				
35	f. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public				
36	School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia,				
37	and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of				
38	Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less				
39	than the amounts authorized for debt service due on such bonds or notes of the VPSA on such				
40	date, there is hereby appropriated to the VPSA from the general fund a sum equal to such				
41	deficiency.				
42	2) 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				
45	bonds and notes of the VPSA issued and projected to be issued during such biennium				
46	pursuant to the resolution referred to in paragraph 1) above. The Governor's budget				
47	submission each year shall include provisions for the payment of debt service pursuant to				
48	paragraph 1) above.				
49	g. Unobligated proceeds of the notes, including investment income derived from the proceeds				
50	of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a				
51	portion of such other educational technology grants as authorized by the General Assembly.				
52	h. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies				
53	with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by				
54	a Telephone Company for the State Government" shall be deemed to include communications				



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1 lines into public schools which are used for educational technology. The rate structure for  
 2 such lines shall be negotiated by the Superintendent of Public Instruction and the Chief  
 3 Information Officer of the Virginia Information Technologies Agency. Further, the  
 4 Superintendent and Director are authorized to encourage the development of "by-pass"  
 5 infrastructure in localities where it fails to obtain competitive prices or prices consistent  
 6 with the best rates obtained in other parts of the state.

7 2) The State Corporation Commission, in its consideration of the discount for services  
 8 provided to elementary schools, secondary schools, and libraries and the universal service  
 9 funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is  
 10 hereby encouraged to make the discounts for intrastate services provided to elementary  
 11 schools, secondary schools, and libraries for educational purposes as large as is prudently  
 12 possible and to fund such discounts through the universal fund as provided in § 254 of the  
 13 Telecommunications Act of 1996. The commission shall proceed as expeditiously as  
 14 possible in implementing these discounts and the funding mechanism for intrastate  
 15 services, consistent with the rules of the Federal Communications Commission aimed at  
 16 the preservation and advancement of universal service.

17 13. Security Equipment Payments

18 1) A security equipment grant program shall be conducted through the Virginia Public  
 19 School Authority, through the issuance of equipment notes in an amount estimated at up to  
 20 \$12,000,000 in fiscal year 2021 and \$12,000,000 in fiscal year 2022 in conjunction with  
 21 the Virginia Public School Authority technology notes program authorized in C.12. of this  
 22 Item. Proceeds of the notes will be used to help offset the related costs associated with the  
 23 purchase of appropriate security equipment that will improve and help ensure the safety of  
 24 students attending public schools in Virginia.

25 2) The Department of Education shall authorize estimated amounts as indicated in Table 1  
 26 from the Literary Fund to provide debt service payments for the security equipment grant  
 27 programs conducted through the Virginia Public School Authority in the referenced years.

28 Table 1

	<b>Grant Year</b>	<b>FY 2021</b>	<b>FY 2022</b>
29	2016	\$1,233,750	
30	2017	\$1,246,000	\$1,249,500
31	2018	\$1,273,500	\$1,273,500
32	2019	\$1,258,500	\$1,261,750
33	2020	\$2,430,288	\$2,430,750
34	2021		<del>\$2,565,690</del>
35			\$2,429,780
36			

37 3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues  
 38 to pay debt service on the Virginia Public School Authority bonds or notes authorized for  
 39 this program. In developing the proposed 2022-2024, 2024-2026, and 2026-2028 biennial  
 40 budgets for public education, the Department of Education shall include a  
 41 recommendation to the Governor to authorize sufficient Literary Fund revenues to make  
 42 debt service payments for these programs in fiscal years 2023, 2024, 2025, 2026, and  
 43 2027.

44 4) In the event that, on any scheduled payment date of bonds or notes of the Virginia  
 45 Public School Authority issued for the purpose described in § 22.1-166.2, Code of  
 46 Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v),  
 47 Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary  
 48 Fund are less than the amounts authorized for debt service due on such bonds or notes on  
 49 such date, there is hereby appropriated to the Virginia Public School Authority from the  
 50 general fund a sum equal to such deficiency.

51 5) The Chairman of the Board of Commissioners of the Virginia Public School Authority  
 52 shall, on or before November 1 of each year, deliver to the Governor and the Secretary of  
 53 Finance a certificate setting forth his estimate of total debt service during each fiscal year  
 54 of the biennium on bonds and notes issued and projected to be issued during such

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1	biennium. The Governor's budget submission each year shall include provisions for the				
2	payment of debt service pursuant to paragraph 1) above.				
3	6) Grant award funds from the issuance of up to \$12,000,000 in fiscal year 2021 and				
4	\$12,000,000 in fiscal year 2022 in equipment notes shall be distributed to eligible school				
5	divisions. The grant awards will be based on a competitive grant basis of up to \$250,000 per				
6	school division. School divisions will be permitted to apply annually for grant funding. For				
7	purposes of this program, eligible schools shall include schools that are subject to state				
8	accreditation and reporting membership in grades K through 12 as of September 30, 2020, for				
9	the fiscal year 2021 issuance, and September 30, 2021, for the fiscal year 2022 issuance, as				
10	well as regional vocational centers, special education centers, alternative education centers,				
11	regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.				
12	7) School divisions would submit their application to Department of Education by August 1				
13	of each year based on the criteria developed by the Department of Education in collaboration				
14	with the Department of Criminal Justice Services who will provide requested technical				
15	support. Furthermore, the Department of Education will have the authority to make such grant				
16	awards to such school divisions.				
17	8) It is also the intent of the General Assembly that, beginning with fiscal year 2020, the total				
18	amount of the grant awards shall not exceed \$60,000,000 over any ongoing revolving five				
19	year period.				
20	9) Required local match:				
21	a) Localities are required to provide a match for these funds equal to 25 percent of the grant				
22	amount. The Superintendent of Public Instruction is authorized to reduce the required local				
23	match for school divisions with a composite index of local ability-to-pay below 0.2000. The				
24	Virginia School for the Deaf and the Blind is exempt from the match requirement.				
25	b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school				
26	divisions became one school division, whether by consolidation of only the school divisions				
27	or by consolidation of the local governments, such resulting division shall be provided				
28	funding through this program on the basis of having the same number of school divisions as				
29	existed prior to September 30, 2000.				
30	c) Local school divisions shall maximize the use of available federal funds, including E-Rate				
31	Funds, and to the extent possible, use such funds to supplement the program and meet the				
32	goals of this program.				
33	14. Virginia Preschool Initiative Payments				
34	a.1) It is the intent of the General Assembly that a payment estimated at \$55,805,681 the first				
35	year and <del>\$107,086,043</del> \$81,803,402 the second year from the general fund and \$16,600,000				
36	the first year from federal funds shall be disbursed by the Department of Education to schools				
37	and community-based organizations to provide quality preschool programs for at-risk four-				
38	year-olds who are residents of Virginia and unserved by Head Start program funding and for				
39	at-risk five-year-olds who are not eligible to attend kindergarten.				
40	2) These state funds and required local matching funds shall be used to provide programs for				
41	at-risk four-year-old children, which include quality preschool education, health services,				
42	social services, parental involvement and transportation. It shall be the policy of the				
43	Commonwealth that state funds and required local matching funds for the Virginia Preschool				
44	Initiative not be used for capital outlay, not be used to supplant any Head Start federal funds				
45	provided for local early education programs, and not be used until the local Head Start grantee				
46	certifies that all local Head Start slots are filled. Programs must provide full-day or half-day				
47	and, at least, school-year services.				
48	3) The Department of Education shall establish academic standards that are in accordance				
49	with appropriate preparation for students to be ready to successfully enter kindergarten. These				
50	standards shall be established in such a manner as to be measurable for student achievement				
51	and success. Students shall be required to be evaluated in the fall and in the spring by each				
52	participating school division and the school divisions must certify that the Virginia Preschool				
53	Initiative program follows the established standards in order to receive the funding for quality				
54	preschool education and criteria for the service components. Such standards shall align with				

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1	the Virginia Standards of Learning for Kindergarten.				
2	4) a) Grants shall be distributed based on an allocation formula providing the state share of				
3	a \$6,326 per pupil grant in the first year and a \$7,655 per pupil grant in the second year for				
4	100 percent of the unserved at-risk four-year-olds in each locality for a full-day program.				
5	The number of unserved at-risk four-year-olds in each locality shall be based on the				
6	projected number of kindergarten students, updated once each biennium for the				
7	Governor's introduced biennial budget. Grants to half-day programs shall be funded based				
8	on the state share of \$3,163 in the first year and \$3,828 in the second year per unserved at-				
9	risk four-year-old in each locality.				
10	b) Out of this appropriation, <del>\$6,117,049</del> \$5,487,917 the second year from the general fund				
11	is provided to serve at-risk three-year-olds who are residents of Virginia and unserved by				
12	Head Start funding on a pilot basis using criteria as determined by the Department of				
13	Education. Localities may apply to participate in the pilot by May 15 each year and shall				
14	be selected on a competitive basis. Pilot providers shall be required to: (i) demonstrate				
15	broad stakeholder support, (ii) track outcomes for participating children, (iii) demonstrate				
16	how they will maximize federal and state funds to preserve existing birth to five slots,				
17	including certifying that all local Head Start slots are filled, (iv) support inclusive				
18	practices of children with identified special needs, and (v) collaborate among the school				
19	division, local department of social services, programs accepting child care subsidy				
20	payments, and providers for Head Start, private child care, and early childhood special				
21	education and early intervention programs. In addition, localities shall be selected using				
22	other criteria that include prioritizing: (i) communities with limited child care options; (ii)				
23	programs serving children in private, mixed-delivery settings; or (iii) communities that				
24	demonstrate full support of public and private providers. Grants shall be distributed based				
25	on an allocation formula providing the state share of a \$7,655 per pupil grant in the second				
26	year. Grants to half-day programs shall be funded based on the state share of \$3,828 in the				
27	second year.				
28	c) Full-day programs shall operate for a minimum of five and one-half instructional hours,				
29	excluding breaks for meals, and half-day programs shall operate for a minimum of three				
30	hours of classroom instructional time per day, excluding breaks for lunch. Virginia				
31	Preschool Initiative programs may include unstructured recreational time that is intended				
32	to develop teamwork, social skills, and overall physical fitness in any calculation of total				
33	instructional time, provided that such unstructured recreational time does not exceed 15				
34	percent of total instructional time or teaching hours. No additional state funding is				
35	provided for programs operating greater than three hours per day but less than five and				
36	one-half hours per day. In determining the state and local shares of funding, the composite				
37	index of local ability-to-pay is capped at 0.5000.				
38	d) For new programs in the first year of implementation only, programs operating less				
39	than a full school year shall receive state funds on a fractional basis determined by the				
40	pro-rata portion of a school year program provided. In determining the prorated state				
41	funds to be received, a school year shall be 180 days or 990 teaching hours.				
42	e) To ensure children with special needs have equitable opportunity to enter kindergarten				
43	ready, all Virginia Preschool Initiative programs are expected to be inclusive of children				
44	with disabilities. Specifically, programs shall meet or exceed a target inclusion rate, such				
45	that 10 percent of all children participating in the Virginia Preschool Initiative are children				
46	with disabilities, defined as those with an Individualized Education Plan, and are served in				
47	inclusive classrooms that include children who do not have an Individualized Education				
48	Plan. A program that is unable to meet this target shall provide reasons a 10 percent				
49	inclusion rate was not achieved in the given school year in its annual comprehensive				
50	report.				
51	b.1) Any locality that desires to participate in this grant program must submit a proposal				
52	through its chief administrator (county administrator or city manager) by May 15 of each				
53	year. The chief administrator, in conjunction with the school superintendent, shall identify				
54	a lead agency for this program within the locality. The lead agency shall be responsible for				
55	developing a local plan for the delivery of quality preschool services to at-risk children,				
56	which demonstrates the coordination of resources and the combination of funding streams				
57	in an effort to serve the greatest number of at-risk four-year-old children. Starting in fiscal				

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1	year 2022, localities may apply for additional funds to serve at-risk three-year-old children on			
2	a pilot basis.			
3	2) The proposal must demonstrate coordination with all parties necessary for the successful			
4	delivery of comprehensive services, including the schools, child care providers, local social			
5	services agency, Head Start, local health department, and other groups identified by the lead			
6	agency. The proposal must identify which entities were consulted and how the locality will			
7	ensure that federal funds are preserved and maximized including demonstrating compliance			
8	with Title I of the federal Elementary and Secondary Education Act to ensure that a Local			
9	Educational Agency receiving Title I funding coordinates with Head Start programs and other			
10	early learning programs receiving federal funds by developing Memorandums of			
11	Understanding with such agencies to coordinate services. The proposal must also demonstrate			
12	a plan for supporting inclusive practices for children with identified special needs.			
13	3) A local match, based on the composite index of local ability-to-pay, shall be required. For			
14	purposes of meeting the local match, localities may use local expenditures for existing			
15	qualifying programs, however, at least fifty percent of the local match will be cash and no			
16	more than fifty percent will be in-kind. In-kind contributions are defined as cash outlays that			
17	are made by the locality that benefit the program but are not directly charged to the program.			
18	The value of fixed assets cannot be considered as an in-kind contribution. Philanthropic or			
19	other private funds may be contributed to the locality to be appropriated in their local budget			
20	and then utilized as local match. Localities shall also continue to pursue and coordinate other			
21	funding sources, including child care subsidies. Funds received through this program must be			
22	used to supplement, not supplant, any funds currently provided for programs within the			
23	locality. However, in the event a locality is unable to continue the previous level of support to			
24	programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary			
25	Education Act (ESEA), the state and local funds provided in this grants program may be used			
26	to continue services to these Title I students. Such inability may occur due to adjustments to			
27	the allocation formula in the reauthorization of ESEA as the Every Student Succeeds Act of			
28	2015, or due to a percentage reduction in a locality's Title I allocation in a particular year. Any			
29	locality so affected shall provide written evidence to the Superintendent of Public Instruction			
30	and request his approval to continue the services to Title I students.			
31	c. Local plans must provide clear methods of service coordination for the purpose of reducing			
32	the per child cost for the service, increasing the number of at-risk children served and/or			
33	extending services for the entire year. Examples of these include:			
34	1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars			
35	administered by local social service agencies with dollars for quality preschool education			
36	programs.			
37	2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services			
38	to at-risk four-year-old children through an existing child care setting by purchasing			
39	comprehensive services within a setting which currently provides quality preschool education.			
40	3) "Expansion of Service" - methods for using grant funds to purchase slots within existing			
41	programs, such as Head Start, which provides comprehensive services to at-risk three- and			
42	four-year-old children.			
43	d. Local plans must indicate the number of at-risk four-year-old children to be served, and the			
44	eligibility criteria for participation in this program shall be consistent with the economic and			
45	educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i)			
46	family income at or below 200 percent of federal poverty guidelines, (ii) homelessness, (iii)			
47	student's parents or guardians are school dropouts, or (iv) family income is above 200 percent			
48	but at or below 350 percent of federal poverty guidelines in the case of students with special			
49	needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally			
50	established eligibility criteria so as to meet the unique needs of at-risk children in the			
51	community. If applicable, local plans must also indicate the number of at-risk three-year-old			
52	children to be served using the same eligibility criteria listed above. Localities that can			
53	demonstrate that more than 15 percent of slots are needed to meet the needs of at-risk children			
54	in their community may apply for a waiver from the Superintendent of Public Instruction to			
55	use a larger percentage of their slots. Localities must demonstrate that increasing eligibility			
56	will enable the maximization of federal funds and will not have a negative impact on access			
57	for other individuals currently being served.			

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1	e.1) The Department of Education shall provide technical assistance for the administration				
2	of this grant program to provide assistance to localities in developing a comprehensive,				
3	coordinated, quality preschool program that prepares all participants for kindergarten.				
4	2) The Department shall provide interested localities with information on models for				
5	service delivery, methods of coordinating funding streams, such as funds to match federal				
6	IV-A child care dollars, to maximize funding without supplanting existing sources of				
7	funding for the provision of services to at-risk three- and four-year-old children. A priority				
8	for technical assistance in the design of programs shall be given to localities where the				
9	majority of the at-risk three- and four-year-old population is currently unserved.				
10	f. The Department of Education shall include in the program's application package specific				
11	information regarding the potential availability of funding for supplemental grants that				
12	may be used for one-time expenses, other than capital, related to start-up or expansion of				
13	programs, with priority given to proposals for expanding the use of partnerships with				
14	either nonprofit or for-profit providers. Furthermore, the Department is mandated to				
15	communicate to all eligible school divisions the remaining available balances in the				
16	program's adopted budget, after the fall participation reports have been submitted and				
17	finalized for such grants.				
18	g. Out of this appropriation, <del>\$3,285,258</del> \$966,504 the second year from the general fund is				
19	provided to support Virginia Preschool Initiative slots to serve children on wait lists. In				
20	each year, unused grants distributed as provided in paragraph C.14.a.4. of this Item shall				
21	be redistributed based on guidelines established by the Department of Education subject to				
22	the appropriation available for this purpose. Such guidelines shall provide the criteria used				
23	to redistribute grants and provide for the notification of grants redistribution to programs				
24	no later than July 1 of each year. The Department shall conduct this process annually, and				
25	the redistribution shall not affect the allocation formula for the subsequent year.				
26	h.1) Out of this appropriation, <del>\$4,886,000</del> \$2,501,500 the second year from the general				
27	fund is provided to support an add-on grant per child for approximately 2,000 children to				
28	incentivize mixed-delivery of services through private providers. These add-on grants are				
29	intended to provide funds to minimize the difference between the amount of the per-pupil				
30	grant allocation and the per-pupil cost to serve a child in a community-based or private				
31	provider setting. Recipients of the add-on grants will be encouraged to support classrooms				
32	that support inclusive practices of children with special needs. Localities shall indicate in				
33	their plans submitted pursuant to C.14.b.1 of this Item how many of their Virginia				
34	Preschool Initiative slots will be provided in community-based or private provider settings				
35	to receive the add-on grant.				
36	2) The amount of these add-on grants shall vary by region and provide a grant of: (i)				
37	\$3,500 per child for divisions in Planning District 8, (ii) \$2,500 per child for divisions in				
38	Planning District 15, Planning District 23, and for the counties of Stafford, Fauquier,				
39	Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg				
40	and Winchester, and (iii) \$1,500 per child in any other division.				
41	3) The Department of Education shall develop a plan to determine the magnitude of the				
42	gap between regional prevailing child care market rates and the Virginia Preschool				
43	Initiative per pupil amount. The Department shall establish a schedule designating the				
44	amount of the add-on grants for each school division for fiscal year 2023. The amount of				
45	the add-on grant plus the Virginia Preschool Initiative per pupil amount shall not exceed				
46	prevailing child care market rates in a particular region. The Department shall report on				
47	the established schedule to the Chairs of the House Appropriations and Senate Finance				
48	and Appropriations Committees by September 30, 2021.				
49	i. The Department of Education shall develop a plan to determine, recognize, and				
50	biennially rebenchmark the per-student funding amount of the Virginia Preschool				
51	Initiative, similar to the current formula supporting public K-12 education in Virginia. In				
52	developing such plan, the Department shall (i) identify needs to implement such plan,				
53	including reporting from local school divisions, (ii) include relevant stakeholders,				
54	including school division finance staff and local Virginia Preschool Initiative				
55	administrators, (iii) identify any legislative or Appropriation Act amendments necessary				
56	for implementation, and (iv) plan for full implementation to benchmark the per-student				

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1	funding amount of the Virginia Preschool Initiative.				
2	j. Out of this appropriation, <del>\$7,062,088</del> \$6,693,927 the second year from the general fund is				
3	provided to support increased Virginia Preschool Initiative teacher to student ratios and class				
4	sizes, as follows:				
5	1) Any classroom that exceeds benchmarks set by the Board of Education shall be staffed as				
6	follows: (i) one teacher shall be provided for any class of ten students or less; (ii) if the				
7	enrollment in any class exceeds ten students but does not exceed 20, a full-time teacher's aide				
8	shall be assigned to the class; and (iii) the maximum class size shall be 20 students.				
9	2) All other classrooms shall be staffed as follows: (i) one teacher shall be employed for any				
10	class of nine students or less; (ii) if the enrollment in any class exceeds nine students but does				
11	not exceed 18, a full-time teacher's aide shall be assigned to the class; and (iii) the maximum				
12	class size shall be 18 students.				
13	k. Out of this appropriation, \$306,100 the first year and \$306,100 the second year from the				
14	general fund is allocated for the Department of Education to provide grants of no more than				
15	\$30,000 each for local school divisions that have applied for such funds for the sole purpose				
16	of providing financial incentives to provisionally licensed teachers teaching students enrolled				
17	in the Virginia Preschool Initiative or other publicly-funded preschool programs operated by				
18	the school division and who are actively engaged in coursework and professional				
19	development, toward achieving the required degree and license that satisfy the licensure				
20	requirements reflected in § 22.1-299, Code of Virginia. School divisions must submit				
21	applications to the Department of Education by December 1 of each year. Priority for				
22	awarding grants shall be given to hard-to-staff schools and schools with the highest number of				
23	provisionally licensed teachers teaching students enrolled in the Virginia Preschool Initiative				
24	or other publicly-funded preschool programs operated by the school division. The Department				
25	of Education shall develop the application process to be provided to school divisions that have				
26	provisionally licensed preschool teachers employed and are teaching students enrolled in the				
27	Virginia Preschool Initiative or other publicly-funded preschool programs operated by the				
28	school division.				
29	l. 1.) The Department of Education shall collect information from local Virginia Preschool				
30	Initiative programs and from pilot providers participating in the Virginia Early Childhood				
31	Foundation's pilot Mixed-Delivery Preschool Initiative established in Item 144 as needed to				
32	compile a comprehensive report on the usage of state funds detailing, but not limited to the				
33	number of calculated slots and funding allocated to each local program or pilot provider, and				
34	the number of such slots that have been filled.				
35	2.) Such comprehensive report shall be aggregated in a manner to identify: (i) funding and the				
36	number of slots used to serve a student in a public school and non-public school setting, (ii)				
37	the number of three-year olds served, (iii) waitlist slots requested, offered, and provided, (iv)				
38	the number of students served whose families are at or below 130 percent poverty, above 130				
39	percent but at or below 200 percent of poverty, above 200 percent but at or below 350 percent				
40	of poverty, and above 350 percent of poverty.				
41	3.) Such comprehensive report shall describe the Virginia Preschool Initiative programs'				
42	progress towards the target inclusion rate, such that 10 percent of all children enrolled in each				
43	program are children with disabilities, defined as those with an Individualized Education Plan.				
44	Virginia Preschool Initiative programs shall report the share of children with Individualized				
45	Education Plans in inclusive classrooms annually starting with the 2020-2021 school year. If				
46	the program's current inclusion rate falls below 10 percent, the program shall provide reasons				
47	a 10 percent inclusion rate was not achieved in the given school year and what actions the				
48	program could implement to increase its rate of inclusion in the next year.				
49	4.) Such comprehensive report shall include details regarding any supplemental grants				
50	awarded pursuant to paragraph f.				
51	5.) The Department shall submit such comprehensive report to the Chairs of the House				
52	Appropriations and Senate Finance and Appropriations Committees no later than December				
53	31 each year.				
54	6.) The Department shall develop a plan for comprehensive public reporting on early				

		<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
<b>ITEM 145.</b>		<b>First Year</b>	<b>Second Year</b>	<b>First Year</b>	<b>Second Year</b>
		<b>FY2021</b>	<b>FY2022</b>	<b>FY2021</b>	<b>FY2022</b>

1 childhood expenditures, outcomes, and program quality to replace this reporting  
 2 requirement. Such plan and subsequent reports shall consider the components included in  
 3 this reporting requirement, and include all publicly-funded providers as defined in Chapter  
 4 860 and Chapter 861, 2020 Acts of Assembly. The plan shall identify any fiscal,  
 5 legislative, or regulatory barriers to implementing such public reporting, and shall  
 6 consider integration with the Department's School Quality Profiles. Such plan shall be  
 7 submitted to the Chairs of the House Appropriations and Senate Finance and  
 8 Appropriations Committees by December 1, 2020. In subsequent years, the Department of  
 9 Education shall update and submit the report by December 1 of each year.

10 m. Out of this appropriation, \$2,320,370 the first year and \$2,807,846 the second year  
 11 from the general fund is provided to support approximately an additional 609 Virginia  
 12 Preschool Initiative slots that were previously filled under the Virginia Preschool Initiative  
 13 Plus (VPI Plus). These slots are intended to hold harmless eight school divisions that  
 14 participated in VPI Plus during the 2019-2020 school year, by allocating the same number  
 15 of slots to those eight school divisions.

16 n. Out of this appropriation, ~~\$4,994,473~~ \$6,128,516 the second year from the general fund  
 17 is provided as flexible funding available to supplement any of the other initiatives  
 18 provided in section C.14 of this item. Additionally, within the fiscal year, any funds  
 19 appropriated for Virginia Preschool Initiative Payments that are not awarded may be used  
 20 as flexible funding to supplement any of the other initiatives provided in paragraph C.14  
 21 of this Item. The Department of Education shall prioritize serving at-risk four-year-old  
 22 children when executing the flexibility provisions in this paragraph.

23 15. Early Reading Intervention Payments

24 a. An additional payment of \$27,103,087 the first year and ~~\$27,192,313~~ \$48,725,840 the  
 25 second year from the Lottery Proceeds Fund shall be disbursed by the Department of  
 26 Education to local school divisions for the purposes of providing early reading  
 27 intervention services to students in grades kindergarten through 3 who demonstrate  
 28 deficiencies based on their individual performance on diagnostic tests which have been  
 29 approved by the Department of Education. The Department of Education shall review the  
 30 tests of any local school board which requests authority to use a test other than the state-  
 31 provided test to ensure that such local test uses criteria for the early diagnosis of reading  
 32 deficiencies which are similar to those criteria used in the state-provided test. The  
 33 Department of Education shall make the state-provided diagnostic test used in this  
 34 program available to local school divisions. School divisions shall report the results of the  
 35 diagnostic tests to the Department of Education on an annual basis at a time to be  
 36 determined by the Superintendent of Public Instruction.

37 b. These payments shall be based on the state's share of the cost of providing two and one-  
 38 half hours of additional instruction each week for an estimated number of students in each  
 39 school division at a student to teacher ratio of five to one. The estimated number of  
 40 students in each school division in each year shall be determined by multiplying the  
 41 projected number of students reported in each school division's fall membership in grades  
 42 kindergarten, 1, 2, and 3 by the percent of students who are determined to need services  
 43 based on diagnostic tests administered in the most recent year that data is available in that  
 44 school division and adjusted in the following manner:

		<b>Year 1</b>	<b>Year 2</b>
45	Kindergarten	100%	100%
46	Grade 1	100%	100%
47	Grade 2	100%	100%
48	Grade 3	100%	100%

50 c. These payments are available to any school division that certifies to the Department of  
 51 Education that an intervention program will be offered to such students and that each  
 52 student who receives an intervention will be assessed again at the end of that school year.  
 53 At the beginning of the school year, local school divisions shall partner with the parents of  
 54 those third grade students in the division who demonstrate reading deficiencies, discussing  
 55 with them a developed plan for remediation and retesting. Such intervention programs, at  
 56 the discretion of the local school division, may include, but not be limited to, the use of:

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1	special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under			
2	the supervision of a certified teacher; computer-based reading tutorial programs; aides to			
3	instruct in-class groups while the teacher provides direct instruction to the students who need			
4	extra assistance; or extended instructional time in the school day or year for these students.			
5	Localities receiving these payments are required to match these funds based on the composite			
6	index of local ability-to-pay.			
7	d. In the event that a school division does not use the diagnostic test provided by the			
8	Department of Education in the year that serves as the basis for updating the funding formula			
9	for this program but has used it in past years, the Department of Education shall use the most			
10	recent data available for the division for the state-provided diagnostic test.			
11	e. The results of all reading diagnostic tests and reading remediation shall be discussed with			
12	the student and the student's parent prior to the student being promoted to grade four.			
13	f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation,			
14	Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of			
15	this program.			
16	16. Standards of Learning Algebra Readiness Payments			
17	a. An additional payment of \$15,213,962 the first year and <del>\$15,248,151</del> \$14,825,335 the			
18	second year from the Lottery Proceeds Fund shall be disbursed by the Department of			
19	Education to local school divisions for the purposes of providing math intervention services to			
20	students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as			
21	demonstrated by their individual performance on diagnostic tests which have been approved			
22	by the Department of Education. These amounts reflect \$200,000 the first year and \$200,000			
23	the second year apportioned to each school division to account for the cost of the diagnostic			
24	test. The Department of Education shall review the tests to ensure that such local test uses			
25	state-provided criteria for diagnosis of math deficiencies which are similar to those criteria			
26	used in the state-provided test. The Department of Education shall make the state-provided			
27	diagnostic test used in this program available to local school divisions. School divisions shall			
28	report the results of the diagnostic tests to the Department of Education on an annual basis at a			
29	time to be determined by the Superintendent of Public Instruction.			
30	b. These payments shall be based on the state's share of the cost of providing two and one-half			
31	hours of additional instruction each week for an estimated number of students in each school			
32	division at a student to teacher ratio of ten to one. The estimate number of students in each			
33	school division shall be determined by multiplying the projected number of students reported			
34	in each school division's fall membership by the percent of students that qualify for the			
35	federal Free Lunch Program.			
36	c. These payments are available to any school division that certifies to the Department of			
37	Education that an intervention program will be offered to such students and that each student			
38	who receives an intervention will be assessed again at the end of that school year. Localities			
39	receiving these payments are required to match these funds based on the composite index of			
40	local ability-to-pay.			
41	17. School Construction Grants Program Escrow			
42	Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are			
43	permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5			
44	to pay for recurring operational expenses incurred by the school division. Localities are not			
45	required to provide a local match of the withdrawn funds.			
46	18. English as a Second Language Payments			
47	A payment of \$74,642,794 the first year and <del>\$82,592,805</del> \$85,457,403 the second year from			
48	the general fund shall be disbursed by the Department of Education to local school divisions			
49	to support the state share of 18.5 professional instructional positions per 1,000 students in the			
50	first year and 20 professional instructional positions per 1,000 students in the second year for			
51	whom English is a second language. Local school divisions shall provide a local match based			
52	on the composite index of local ability-to-pay.			
53	19. Special Education Instruction Payments			



ITEM 145.	Item Details(\$)		Appropriations(\$)	
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1	a. The Department of Education shall establish rates for all elements of Special Education			
2	Instruction Payments.			
3	b. Out of the appropriations in this Item, the Department of Education shall make			
4	available, subject to implementation by the Superintendent of Public Instruction, an			
5	amount estimated at \$98,152,929 the first year and <del>\$101,152,929</del> \$76,776,448 the second			
6	year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates			
7	for approved public Special Education Regional Tuition school programs.			
8	Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be			
9	based on the composite index of local ability-to-pay.			
10	c.1. Out of the amounts for Financial Assistance for Categorical Programs, \$36,591,267			
11	the first year and \$37,546,662 the second year from the general fund is appropriated to			
12	permit the Department of Education to enter into agreements with selected local school			
13	boards for the provision of educational services to children residing in certain hospitals,			
14	clinics, and detention homes by employees of the local school boards. The portion of these			
15	funds provided for educational services to children residing in local or regional detention			
16	homes shall only be determined on the basis of children detained in such facilities through			
17	a court order issued by a court of the Commonwealth. The selection and employment of			
18	instructional and administrative personnel under such agreements will be the			
19	responsibility of the local school board in accordance with procedures as prescribed by the			
20	local school board. State payments for the first year to the local school boards operating			
21	these programs will be based on certified expenditures from the fourth quarter of FY 2020			
22	and the first three quarters of FY 2021. State payments for the second year to the local			
23	school boards operating these programs will be based on certified expenditures from the			
24	fourth quarter of FY 2021 and the first three quarters of FY 2022.			
25	2. The Board of Education shall make recommendations for: (i) appropriate staffing and			
26	funding levels necessary for State Operated Programs (SOP) in regional and local			
27	detention centers to provide a quality education program; (ii) implementation of			
28	appropriate efficiencies in staffing practices in such programs; (iii) statutory and			
29	regulatory changes needed to implement the Board's findings; and (iv) appropriate			
30	programs to redirect any potential savings realized from implementation of the Board's			
31	findings.			
32	In developing such recommendations, the Board shall consider: (i) the dramatic decrease			
33	in the Average Daily Population in detention centers over the course of two decades			
34	without a comparable decrease in state funding; (ii) establishing a system-wide staffing			
35	ratio that is comparable to those provided in Regional Alternative Education Programs and			
36	aligned with the staffing requirements provided in the federal Prison Rape Elimination			
37	Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with			
38	participating school divisions, hiring part-time teachers and dually-certified teachers and			
39	principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a			
40	low average daily population; (iv) changes to SOP operating agreements to facilitate more			
41	efficient staffing practices and to clarify the role of the state and school divisions in hiring			
42	and supervising SOP instructional staff; (v) increasing the use of enhanced distance			
43	learning; and (vi) the draft recommendations deliberated by the Commission on Youth			
44	from the 2020 study.			
45	The Board shall convene a workgroup to assist in the development of such findings and			
46	recommendations and shall include staff members from the Senate Finance and			
47	Appropriations Committee, House Appropriations Committee, Department of Planning			
48	and Budget, the Virginia Department of Education, the Department of Juvenile Justice, the			
49	President of the Virginia Juvenile Detention Association or his/her designee, the Chair of			
50	the Virginia Commission on Youth or his/her designee, and other representatives the			
51	Board deems appropriate. Findings and recommendations shall be reported to the Chairs			
52	of the House Appropriations Committee and the Senate Finance and Appropriations			
53	Committee by November 1, 2021.			
54	20. Vocational Education Instruction Payments			
55	a. It is the intention of the General Assembly that the Department of Education explore			
56	initiatives that will encourage greater cooperation between jurisdictions and the Virginia			

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1	Community College System in meeting the needs of public school systems.			
2	b. This appropriation includes \$1,800,000 the first year and \$1,800,000 the second year from			
3	the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of			
4	\$2,000 each year shall be available for all divisions, with the remainder of the funding			
5	distributed on the basis of student enrollment in secondary vocational-technical courses. State			
6	funds received for secondary vocational-technical equipment must be used to supplement, not			
7	supplant, any funds currently provided for secondary vocational-technical equipment within			
8	the locality. Local school divisions are not required to provide a local match in order to			
9	receive these state funds.			
10	c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the			
11	second year from the Lottery Proceeds Fund to update vocational-technical equipment to			
12	industry standards providing students with classroom experience that translates to the			
13	workforce.			
14	2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for			
15	vocational-technical equipment in high-demand, high-skill, and fast-growth industry sectors			
16	as identified by the Virginia Board of Workforce Development and based on data from the			
17	Bureau of Labor Statistics and the Virginia Employment Commission.			
18	3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded			
19	based on competitive innovative program grants for high-demand and fast-growth industry			
20	sectors with priority given to state-identified challenged schools, the Governor's Science			
21	Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health			
22	Science Academies.			
23	d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the			
24	Lottery Proceeds Fund to support credentialing testing materials for students and professional			
25	development for instructors in science, technology, engineering, and mathematics-health			
26	sciences (STEM-H) career and technical education programs.			
27	21. Adult Education Payments			
28	State funds shall be used to reimburse general adult education programs on a fixed cost per			
29	pupil or cost per class basis. No state funds shall be used to support vocational noncredit			
30	courses.			
31	22. General Education Payments			
32	a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from			
33	the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the			
34	first year and \$465,375 the second year shall be used for PluggedIn VA.			
35	b. This appropriation includes \$1,387,240 the first year and \$1,387,240 the second year from			
36	the Lottery Proceeds Fund to support Project Graduation and any associated administrative			
37	and contractual service expenditures related to this initiative.			
38	23. Individual Student Alternative Education Program (ISAEP) Payments			
39	Out of this appropriation, \$2,247,581 the first year and \$2,247,581 in the second year from			
40	the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student			
41	Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the			
42	1999 Session of the General Assembly.			
43	24. Foster Children Education Payments			
44	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's			
45	local operations costs, as determined by the Department of Education, for each pupil not a			
46	resident of the school division providing his education (a) who has been placed in foster care			
47	or other custodial care within the geographical boundaries of such school division by a			
48	Virginia agency, whether state or local, which is authorized under the laws of this			
49	Commonwealth to place children; (b) who has been placed in an orphanage or children's			
50	home which exercises legal guardianship rights; (c) who is a resident of Virginia and has been			
51	placed, not solely for school purposes, in a child-caring institution or group home; or (d) who			

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1	is a student that was formerly in foster care upon reaching 18 years of age but who has not			
2	yet reached 22 years of age. For pupils included in subsection (d), the school division shall			
3	keep an accurate record of the number of days in which such child was enrolled in its			
4	public schools and shall be included in the division's certification provided to the Board of			
5	Education by July 1 each school year per § 22.1-101.1 C, Code of Virginia.			
6	b. This appropriation provides \$13,083,167 the first year and <del>\$11,528,816</del> \$12,926,842 the			
7	second year from the Lottery Proceeds Fund to support children attending public school			
8	who have been placed in foster care or other such custodial care across jurisdictional lines,			
9	as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these			
10	funds are not adequate to cover the full costs specified therein, the Department is			
11	authorized to expend unobligated balances in this Item for this support.			
12	25. Sales Tax Payments			
13	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a			
14	portion of net revenue from the state sales and use tax, in support of the Standards of			
15	Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion			
16	of August 3, 1982).			
17	b. Certification of payments and distribution of this appropriation shall be made by the			
18	State Comptroller.			
19	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at			
20	the middle and end of each month.			
21	d. Included in this appropriation are the accelerated sales tax revenues attributable to			
22	§58.1-638 B., D., and F.1., Code of Virginia, and collected pursuant to §3-5.06 of this act.			
23	26. Adult Literacy Payments			
24	a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second			
25	year from the general fund for the ongoing literacy programs conducted by Mountain			
26	Empire Community College.			
27	b. Out of this appropriation, the Department of Education shall provide \$100,000 the first			
28	year and \$100,000 the second year from the general fund for the Virginia Literacy			
29	Foundation grants to support programs for adult literacy including those delivered by			
30	community-based organizations and school divisions providing services for adults with 0-			
31	9th grade reading skills.			
32	27. Governor's School Payments			
33	a. Out of the amounts for Governor's School Payments, the Department of Education shall			
34	provide assistance for the state share of the incremental cost of regular school year			
35	Governor's Schools based on each participating locality's composite index of local ability-			
36	to-pay. Participating school divisions must certify that no tuition is assessed to students for			
37	participation in this program.			
38	b.1) Out of the amounts for Governor's School Payments, the Department of Education			
39	shall provide assistance for the state share of the incremental cost of summer residential			
40	Governor's Schools and Foreign Language Academies to be based on the greater of the			
41	state's share of the composite index of local ability-to-pay or 50 percent. Participating			
42	school divisions must certify that no tuition is assessed to students for participation in this			
43	program if they are enrolled in a public school.			
44	2) Out of the amounts for Governor's School Payments, \$41,000 the first year and \$41,000			
45	the second year is provided to support the Hanover Regional Summer Governor's School			
46	for Career and Technical Advancement, which was established pursuant to Chapter 425,			
47	2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.			
48	c. For the Summer Governor's Schools and Foreign Language Academies programs, the			
49	Superintendent of Public Instruction is authorized to adjust the tuition rates, types of			
50	programs offered, length of programs, and the number of students enrolled in order to			
51	maintain costs within the available state and local funds for these programs.			

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1	d. It shall be the policy of the Commonwealth that state general fund appropriations not be				
2	used for capital outlay, structural improvements, renovations, or fixed equipment costs				
3	associated with initiation of existing or proposed Governor's schools. State general fund				
4	appropriations may be used for the purchase of instructional equipment for such schools,				
5	subject to certification by the Superintendent of Public Instruction that at least an equal				
6	amount of funds has been committed by participating school divisions to such purchases.				
7	e. The Board of Education shall not take any action that would increase the state's share of				
8	costs associated with the Governor's Schools as set forth in this Item. This provision shall not				
9	prohibit the Department of Education from submitting requests for the increased costs of				
10	existing programs resulting from updates to student enrollment for school divisions currently				
11	participating in existing programs or for school divisions that begin participation in existing				
12	programs.				
13	f.1) Regular school year Governor's Schools are funded through this Item based on the state's				
14	share of the incremental per pupil cost for providing such programs for each student attending				
15	a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a				
16	cap of 1,800 students per Governor's School in the second year. This incremental per pupil				
17	payment shall be adjusted for the composite index of the school division that counts such				
18	students attending an academic year Governor's School in their March 31 Average Daily				
19	Membership. It is the intent of the General Assembly that this incremental per pupil amount				
20	be in addition to the basic aid per pupil funding provided to the affected school division for				
21	such students. Therefore, local school divisions are encouraged to provide the appropriate				
22	portion of the basic aid per pupil funding to the Governor's Schools for students attending				
23	these programs, adjusted for costs incurred by the school division for transportation,				
24	administration, and any portion of the day that the student does not attend a Governor's				
25	School.				
26	2) Students attending a revolving Academic Year Governor's School program for only one				
27	semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only				
28	fifty percent of the full-year funded per pupil amount. Funding for students attending a				
29	revolving Academic Year program will be adjusted based upon actual September 30th and				
30	January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall				
31	mean Academic Year Governor's School programs that admit students on a semester basis.				
32	3) Students attending a continuous, non-revolving Academic Year Governor's School				
33	program shall be counted as a full-time equivalent student and will be funded for the full-year				
34	funded per pupil amount. Funding for students attending a continuous, non-revolving				
35	Academic Year Governor's School program will be adjusted based upon actual September				
36	30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving				
37	programs shall mean Academic Year Governor's School programs that only admit students at				
38	the beginning of the school year. Fairfax County Public Schools shall not reduce local per				
39	pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated				
40	for the 2003-2004 school year.				
41	g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12				
42	programs.				
43	h. Out of the appropriation included in paragraph C. 38. of this item, <del>\$1,046,023</del> \$1,028,911				
44	the second year from the general fund is provided in the Academic Year Governor's School				
45	funding allocation to increase the per pupil amount the second year as an add-on for a				
46	compensation supplement payment equal to 5.0 percent of base pay on July 1, 2021, for				
47	Academic Year Governor's School instructional and support positions.				
48	i. Each Academic Year Governor's School shall set diversity goals for its student body and				
49	faculty, develop a plan to meet said goals in collaboration with community partners at public				
50	meetings, and such goals and plan shall be published on the school's website. Each school				
51	shall submit a report to the Governor by October 1 of each year on its goals and status of				
52	implementing its plan, and such report shall be published on the school's website. The report				
53	shall include, but not be limited to the following: utilization of universal screenings in feeder				
54	divisions; admission processes in place or under consideration that promote access for				
55	historically underserved students; and outreach and communication efforts deployed to recruit				
56	historically underserved students. The report shall include the racial/ethnic make-up and				
57	socioeconomic diversity of its students, faculty, and applicants.				

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1	28. School Nutrition Payments				
2	It is provided that, subject to implementation by the Superintendent of Public Instruction,				
3	no disbursement shall be made out of the appropriation for school nutrition to any locality				
4	in which the schools permit the sale of competitive foods in food service facilities or areas				
5	during the time of service of food funded pursuant to this Item.				
6	29. School Breakfast Payments				
7	a. Out of this appropriation, \$1,437,082 the first year and <del>\$7,920,136</del> \$7,816,525 the				
8	second year from the Lottery Proceeds Fund is included to continue a state funded				
9	incentive program to maximize federal school nutrition revenues and increase student				
10	participation in the school breakfast program. These funds are available to any school				
11	division as a reimbursement for breakfast meals served that are in excess of the baseline				
12	established by the Department of Education. The per meal reimbursement shall be \$0.22;				
13	however, the department is authorized, but not required to reduce this amount				
14	proportionately in the event that the actual number of meals to be reimbursed exceeds the				
15	number on which this appropriation is based so that this appropriation is not exceeded.				
16	b. In order to receive these funds, school divisions must certify that these funds will be				
17	used to supplement existing funds provided by the local governing body and that local				
18	funds derived from sources that are not generated by the school nutrition programs have				
19	not been reduced or eliminated. The funds shall be used to improve student participation				
20	in the school breakfast program. These efforts may include, but are not limited to,				
21	reducing the per meal price paid by students, reducing competitive food sales in order to				
22	improve the quality of nutritional offerings in schools, increasing access to the school				
23	breakfast program, or providing programs to increase parent and student knowledge of				
24	good nutritional practices. In no event shall these funds be used to reduce local tax				
25	revenues below the level appropriated to school nutrition programs in the prior year.				
26	Further, these funds must be provided to the school nutrition programs and may not be				
27	used for any other school purpose.				
28	c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year				
29	from the general fund is provided to fund an After-the-Bell Model breakfast program				
30	available on a voluntary basis to elementary, middle, and high schools where student				
31	eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible				
32	school, and to provide additional reimbursement for eligible meals served in the current				
33	traditional school breakfast program at all grade levels in any participating school. The				
34	Department of Education is directed to ensure that only eligible schools receive				
35	reimbursement funding for participating in the After-the-Bell school breakfast model. The				
36	schools participating in the program shall evaluate the educational impact of the models				
37	implemented that provide school breakfasts to students after the first bell of the school				
38	day, based on the guidelines developed by the Department of Education and submit the				
39	required report to the Department of Education no later than August 31 each year.				
40	2) The Department of Education shall communicate, through Superintendent's Memo, to				
41	school divisions the types of breakfast serving models and the criteria that will meet the				
42	requirements for this State reimbursement, which may include, but are not limited to,				
43	breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School				
44	divisions may determine the breakfast serving model that best applies to its students, so				
45	long as it occurs after the instructional day has begun. The Department of Education shall				
46	monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal				
47	that meets either of the established criteria in elementary schools and a reimbursement rate				
48	of \$0.10 per breakfast meal that meets either of the established criteria in middle or high				
49	schools.				
50	3) No later than July 1 each year, the Department of Education shall provide for a				
51	breakfast program application process for school divisions with eligible schools, including				
52	guidelines regarding specified required data to be compiled from the prior school year or				
53	years and for the upcoming school year program. The number of approved applications				
54	shall be based on the estimated number of sites that can be accommodated within the				
55	approved funding level. The Department of Education shall set criteria for establishing				
56	priority should the number of applications from eligible schools exceed the approved				

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1	schools based upon the list of schools that rank lowest on the Spring 2019 SOL reading			
2	assessment.			
3	b. These payments shall be based on the state's share of the cost of providing one reading			
4	specialist per qualifying school.			
5	c. These payments are available to any school division with a qualifying school that			
6	certifies to the Department of Education that the division has hired a reading specialist to			
7	provide direct services to children reading below grade level in the school to improve			
8	reading achievement for the purpose of creating additional instructional time for reading			
9	specialists to work with students reading below grade level to improve reading			
10	achievement.			
11	d. These payments also are available to any school division with a qualifying school that			
12	certifies to the Department of Education that the division is supporting tuition for			
13	collegiate programs and instruction for currently employed instructional school personnel			
14	to earn the credentials necessary to meet licensure requirements to be endorsed as a			
15	reading specialist.			
16	e. School divisions receiving these payments are required to match these funds based on			
17	the composite index of local ability-to-pay.			
18	f. Within the fiscal year, any funds not awarded from this program may be awarded to			
19	eligible schools under the Math/Reading Instructional Specialist Initiative.			
20	34. Math/Reading Instructional Specialist Initiative			
21	a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second			
22	year from the general fund in additional payments for reading or math instructional			
23	specialists at underperforming schools. From this amount, the state share of one reading or			
24	math specialist shall be provided to local school divisions with schools which rank lowest			
25	statewide on the Spring Standards of Learning (SOL) math or reading assessment.			
26	Funding for one math or reading specialist during the 2020-2022 biennium shall be based			
27	on the results of the Spring 2019 SOL assessments. Such schools shall be eligible to			
28	receive the state share of funding for both years of the biennium. If, following certification			
29	from a school division that it will not participate in the program, the Department is			
30	authorized to identify additional eligible schools based upon the list of schools that rank			
31	lowest on the Spring 2019 SOL math or reading assessment.			
32	b. These payments are available to any school division with a qualifying school that			
33	certifies to the Department of Education that the division has (1) hired a math or reading			
34	instructional specialist, or (2) is supporting tuition for collegiate programs and instruction			
35	for currently employed instructional school personnel to earn the credentials necessary to			
36	meet licensure requirements to be endorsed as a math specialist or a reading specialist.			
37	Localities receiving these payments are required to match these funds based on the			
38	composite index of local ability-to-pay.			
39	c. School divisions that elect to use funding to support tuition for collegiate programs and			
40	instruction for currently employed instructional school personnel pursuant to paragraph b.			
41	shall provide documentation of these costs to the Department of Education prior to			
42	receiving state funds. The Department of Education shall provide state funding for the			
43	lesser of the actual cost or the state share of a math or reading specialist position per			
44	eligible school for funds used in such a manner.			
45	d. The Department of Education is authorized to utilize available funding appropriated to			
46	the Early Reading Specialist Initiative contained in this Item to pay for instructional			
47	specialists at additional eligible schools, or to support tuition for collegiate programs and			
48	instruction for currently employed instructional school personnel at additional eligible			
49	schools to earn the credentials necessary to meet licensure requirements to be endorsed as			
50	an instructional specialist.			
51	e. Within the fiscal year, any funds not awarded from this program may be awarded to			
52	eligible schools under the Early Reading Specialists Initiative.			
53	f. The Department of Education may award prorated state funds for specialist positions			

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1	filled after the beginning of the school year.				
2	35. Broadband Connectivity Capabilities				
3	By November 1 each year, school divisions shall report to the Department of Education the				
4	status of broadband connectivity capability of schools in the division on a form to be provided				
5	by the Department. Such report shall include school-level information on the method of				
6	Internet service delivery, the level of bandwidth capacity and the degree such capacity is				
7	sufficient for delivery of school-wide digital resources and instruction, degree of internet				
8	connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and				
9	such other pertinent information as determined by the Department of Education. The				
10	Department shall provide a summary of the division responses in a report to be made				
11	available on its agency Web site.				
12	36. Infrastructure and Operations Per Pupil Funds				
13	a. Out of this appropriation, an amount estimated at \$283,292,382 the first year and				
14	\$276,361,275 the second year from the Lottery Proceeds Fund shall be disbursed by the				
15	Department of Education to local school divisions to support the state share of an estimated				
16	\$417.91 per pupil the first year and \$406.19 per pupil the second year in adjusted March 31				
17	average daily membership. These per pupil amounts are subject to change for the purpose of				
18	payment to school divisions based on the actual March 31 ADM collected each year.				
19	Beginning in the second year, these funds shall be matched by the local government, based on				
20	the composite index of local ability-to-pay. Further, in order to receive this funding, the				
21	locality in which the school division is located shall appropriate these funds solely for				
22	educational purposes and shall not use such funds to reduce total local operating expenditures				
23	for public education below the amount expended by the locality for such purposes in the year				
24	upon which the 2018-20 biennial Standards of Quality expenditure data were based; provided				
25	however that no locality shall be required to maintain a per-pupil expenditure which is greater				
26	than the per pupil amount expended by the locality for such purposes in the year upon which				
27	the 2018-20 biennial Standards of Quality expenditure data were based. The Department of				
28	Education is authorized each year to temporarily suspend Infrastructure and Operations Per				
29	Pupil Allocation payments made to school divisions from Lottery funds to ensure that any				
30	shortfall in Lottery revenue can be accounted for in the remaining Infrastructure and				
31	Operations Per Pupil Allocation payments to be made for the year.				
32	b. From the amounts listed above, funds are provided to ensure that small school divisions				
33	receive an Infrastructure and Operations payment of at least \$200,000 each year. Beginning in				
34	the second year, divisions receiving additional funds for a payment of at least \$200,000 shall				
35	only be required to provide the local match on the per pupil amount distributed in paragraph				
36	C.36.a.				
37	c. Of the amounts listed above, no more than 70 percent the first year and no more than 60				
38	percent the second year shall be used for recurring costs and at least 30 percent the first year				
39	and at least 40 percent the second year shall be spent on nonrecurring expenditures by the				
40	relevant school divisions. Nonrecurring costs shall include school construction, additions,				
41	infrastructure, site acquisition, renovations, school buses, technology, and other expenditures				
42	related to modernizing classroom equipment, and debt service payments on school projects				
43	completed during the last 10 years.				
44	d. Any lottery funds provided to school divisions from this item that are unexpended as of				
45	June 30, 2021, and June 30, 2022, shall be carried on the books of the locality to be				
46	appropriated to the school division in the following year.				
47	37. Special Education Endorsement Program				
48	a. Notwithstanding § 22.1-290.02, Code of Virginia, out of this appropriation, \$437,186 the				
49	first year and \$437,186 the second year from the general fund is provided for traineeships and				
50	program operation grants that shall be awarded to public Virginia institutions of higher				
51	education to prepare persons who are employed in the public schools of Virginia, state				
52	operated programs, or regional special education centers as special educators with a				
53	provisional license and enrolled either part-time or full-time in programs for the education of				
54	children with disabilities. Applicants shall be graduates of a regionally accredited college or				
55	university.				



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1	b. The award of such grants shall be made by the Department of Education, and the			
2	number of awards during any one year shall depend upon the amounts appropriated by the			
3	General Assembly for this purpose. The amount awarded for each traineeship shall be			
4	\$600 for a minimum of three semester hours of course work in areas required for the			
5	special education endorsement to be taken by the applicant during a single semester or			
6	summer session. Only one traineeship shall be awarded to a single applicant in a single			
7	semester or summer session.			
8	38. Compensation Supplement			
9	a. Out of this appropriation, <del>\$233,738,033</del> \$217,091,983 the second year from the general			
10	fund and <del>\$759,098</del> \$757,515 the second year from the Lottery Proceeds Fund is provided			
11	for the state share of a payment of a 5.0 percent salary increase effective July 1, 2021 for			
12	funded SOQ instructional and support positions. Funded SOQ instructional positions shall			
13	include the teacher, school counselor, librarian, instructional aide, principal, and assistant			
14	principal positions funded through the SOQ staffing standards for each school division in			
15	the biennium. This amount includes <del>\$1,046,023</del> \$1,028,911 the second year from the			
16	general fund referenced in paragraph C. 27. h. for the Academic Year Governor's Schools			
17	for the state share of a payment of the following salary increases for instructional and			
18	support positions, and this amount includes <del>\$759,098</del> \$757,515 the second year from the			
19	Lottery Proceeds Fund referenced in paragraph C. 9. f. 4) for Regional Alternative			
20	Education Programs for the state share of a payment of the following salary increases for			
21	instructional and support positions.			
22	b. It is the intent that the instructional and support position salaries are increased in school			
23	divisions throughout the state by at least an average of 5.0 percent during the biennium.			
24	Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share			
25	of up to a 5.0 percent salary increase the second year for funded SOQ instructional and			
26	support positions, effective July 1, 2021, to school divisions that certify to the Department			
27	of Education the average salary increase that has been or will have been provided during			
28	the 2020-2022 biennium to instructional and support personnel. The state funds for which			
29	the division is eligible to receive shall be matched by the local government, based on the			
30	composite index of local ability-to-pay, which shall be calculated using an effective date			
31	of July 1, 2021, as the basis for the local match requirement for both funded SOQ			
32	instructional and support positions.			
33	c. The state share of funding provided to a school division in support of this compensation			
34	supplement shall be prorated for school divisions that provide less than an average 5.0			
35	percent salary increase during the biennium; however, to access these funds, a school			
36	division must provide at least an average 2.0 percent salary increase during the biennium.			
37	d. This funding is not intended as a mandate to increase salaries.			
38	39. School Meals Expansion			
39	Out of this appropriation, <del>\$4,100,000</del> \$0 the second year from the general fund is provided			
40	for local school divisions to reduce or eliminate the cost of school breakfast and school			
41	lunch for students who are eligible for reduced price meals under the federal National			
42	School Lunch Program and School Breakfast Program. The Department of Education is			
43	authorized to reduce this amount proportionately so as not to exceed this appropriation.			
44	40. No Loss Funding			
45	Out of this appropriation, \$242,642,957 the first year and <del>\$124,335,526</del> \$57,505,752 the			
46	second year from the general fund and \$36,000,000 the first year and \$40,000,000 the			
47	second year from the COVID-19 Relief Fund established in § 2.2-115.1, Code of Virginia,			
48	is provided to ensure that no school division loses state funding in the 2020-2022			
49	biennium as compared to that school division's fiscal year 2021 and fiscal year 2022 state			
50	distributions as calculated in Chapter 56, 2020 Acts of Assembly, Special Session I. These			
51	payments account for declines in actual Fall Membership and projected Average Daily			
52	Membership as well as declines in Direct Aid program enrollment or participation during			
53	the 2020-2022 biennium as a result of the COVID-19 pandemic. These funds shall support			
54	operational costs of the Standards of Quality, Categorical, Incentive, and Lottery Funded			
55	programs delineated in this Item. In both fiscal years, such payments shall be updated for			

ITEM 145.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	technical updates to Direct Aid student enrollments and program participation, as well as any			
2	increased revenue distributions. <i>In the second year, the Department of Education's</i>			
3	<i>calculations for No Loss payments shall account for one-time events that may have artificially</i>			
4	<i>inflated projected data.</i>			
5	42. Allegheny County - Covington City School Division Consolidation Incentive			
6	Out of this appropriation, \$1,200,000 the second year from the general fund is provided as an			
7	incentive for the consolidation of the Allegheny County and Covington City school divisions.			
8	This incentive payment represents the first two installments of five \$600,000 payments as			
9	recommended for this consolidation incentive through the methodology contained in the			
10	Study on School Division Joint Contracting Incentives (Report Document 548, 2016).			
11	Beginning in fiscal year 2023 through fiscal year 2025, \$600,000 shall be provided each fiscal			
12	year as the incentive payment, with no adjustments.			
13	43. COVID-19 Local Relief Payments			
14	a. This item includes an appropriation estimated at \$12,910,256 in the first year from the			
15	general fund to be distributed to school divisions as COVID-19 Local Relief payments in			
16	support of the Standards of Quality. Local governing bodies shall appropriate these funds to			
17	school divisions in the same manner in which they appropriate sales tax revenues dedicated to			
18	public education.			
19	b. This local relief payment represents the net increase in the estimated amounts of the local			
20	share of Basic Aid costs from the amount estimated in Chapter 1289, 2020 Acts of Assembly,			
21	to the amount estimated in this item, and shall be distributed to school divisions based on this			
22	methodology.			
23	c. For the purposes of calculating Required Local Expenditure as defined in this item, this			
24	local relief payment will be counted as a credit toward the local share of the costs of the			
25	Standards of Quality in the first year.			
26	d. It is the intent of the General Assembly that the final COVID-19 Local Relief Payments be			
27	updated for actual sales tax distributions through the final June monthly distribution in fiscal			
28	year 2021.			
29	45. Supplemental Support for Accomack & Northampton			
30	An additional state payment of \$2,000,000 the second year from the Lottery Proceeds Fund			
31	shall be disbursed to provide one-time support to Accomack and Northampton school			
32	divisions for teacher recruitment and retention efforts, including adjustments to salary scales			
33	to minimize misalignment to salary scales of adjacent counties. Disbursement of these funds			
34	is contingent on the division providing the required local share of a 5.0 percent compensation			
35	supplement included in paragraph C. 38.			
36	46. Learning Loss Instructional Supports			
37	An additional state payment estimated at \$39,999,970 the first year from the Lottery Proceeds			
38	Fund shall be disbursed to support the state share of \$156.54 per pupil the first year based on			
39	the estimated number of federal Free Lunch participants, in support of one-time programs and			
40	initiatives to address learning loss resulting from the COVID-19 pandemic. No local match is			
41	required to receive these state funds, and unexpended funds from the first year shall remain			
42	available in the second year.			
43	School divisions are required to spend these payments on eligible programs, including: (i)			
44	extending the school year, (ii) summer school, (iii) tutoring, remediation and recovery, and			
45	supplemental afterschool programs, (vi) counseling and other student supports, (v)			
46	assessments to determine student progress and the need for access to these programs, (vi)			
47	other similar programs, and (vii) modifications to facilities to assist with COVID-19			
48	mitigation strategies for in-person learning.			
49	47. Albuterol and Valved Holding Chambers			
50	Out of this appropriation, \$120,000 the second year from the general fund is allocated to			
51	support the purchase of albuterol and valved holding chambers in the public schools of the			

ITEM 145.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Commonwealth.				
2	146. Not set out.				
3	146.10 Not set out.				
4	Total for Direct Aid to Public Education.....			<b>\$8,849,968,554</b>	<b>\$9,230,846,620</b>
5					<b>\$9,168,134,704</b>
6	Fund Sources: General.....	\$6,857,617,198	\$7,311,553,053		
7			\$7,163,408,001		
8	Special.....	\$895,000	\$895,000		
9	Commonwealth Transportation.....	\$2,100,000	\$1,470,000		
10			\$1,544,659		
11	Trust and Agency.....	\$870,231,123	\$773,903,334		
12			\$859,261,811		
13	Dedicated Special Revenue.....	\$36,000,000	\$40,000,000		
14	Federal Trust.....	\$1,083,125,233	\$1,103,025,233		
15	Grand Total for Department of Education, Central				
16	Office Operations.....			<b>\$8,982,527,340</b>	<b>\$9,607,466,306</b>
17					<b>\$9,544,754,390</b>
18	General Fund Positions.....	151.00	158.17		
19	Nongeneral Fund Positions.....	185.50	335.83		
20	Position Level.....	336.50	494.00		
21	Fund Sources: General.....	\$6,932,758,377	\$7,383,311,635		
22			\$7,235,166,583		
23	Special.....	\$6,164,257	\$6,164,257		
24	Commonwealth Transportation.....	\$2,379,612	\$1,749,612		
25			\$1,824,271		
26	Trust and Agency.....	\$870,910,801	\$775,801,854		
27			\$861,160,331		
28	Dedicated Special Revenue.....	\$36,000,000	\$40,000,000		
29	Federal Trust.....	\$1,134,314,293	\$1,400,438,948		
30	147. Not set out.				
31	148. Not set out.				
32	149. Not set out.				
33	150. Not set out.				
34	151. Not set out.				
35	152. Not set out.				
36	153. Not set out.				
37	154. Not set out.				
38	155. Not set out.				
39	155.10 Not set out.				
40	156. Not set out.				
41	157. Not set out.				

ITEM 158.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	158.	Not set out.				
2	159.	Not set out.				
3	159.10	Not set out.				
4	160.	Not set out.				
5	161.	Not set out.				
6	162.	Not set out.				
7	163.	Not set out.				
8	163.10	Not set out.				
9	164.	Not set out.				
10	165.	Not set out.				
11	166.	Not set out.				
12	167.	Not set out.				
13	167.10	Not set out.				
14	168.	Not set out.				
15	169.	Not set out.				
16	170.	Not set out.				
17	170.10	Not set out.				
18	171.	Not set out.				
19	172.	Not set out.				
20	173.	Not set out.				
21	174.	Not set out.				
22	174.10	Not set out.				
23	175.	Not set out.				
24	176.	Not set out.				
25	177.	Not set out.				
26	178.	Not set out.				
27	178.10	Not set out.				
28	179.	Not set out.				

ITEM 180.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	180.	Not set out.		
2	181.	Not set out.		
3	182.	Not set out.		
4	182.10	Not set out.		
5	183.	Not set out.		
6	184.	Not set out.		
7	185.	Not set out.		
8	186.	Not set out.		
9	186.10	Not set out.		
10	187.	Not set out.		
11	188.	Not set out.		
12	189.	Not set out.		
13	190.	Not set out.		
14	190.10	Not set out.		
15	191.	Not set out.		
16	192.	Not set out.		
17	193.	Not set out.		
18	194.	Not set out.		
19	195.	Not set out.		
20	195.10	Not set out.		
21	196.	Not set out.		
22	197.	Not set out.		
23	198.	Not set out.		
24	199.	Not set out.		
25	200.	Not set out.		
26	201.	Not set out.		
27	202.	Not set out.		
28	202.10	Not set out.		

ITEM 202.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>§ 1-12. UNIVERSITY OF VIRGINIA (207)</b>			
2	203.	Not set out.		
3	204.	Not set out.		
4	205.	Not set out.		
5	206.	Not set out.		
6	206.10	Not set out.		
7	207.	Not set out.		
8	208.	Not set out.		
9	209.	Not set out.		
<b>10</b>	<b>University of Virginia's College at Wise (246)</b>			
11	210.	Not set out.		
12	211.	Not set out.		
13	212.	Financial Assistance For Educational and General		
14		Services (11000)		
15		a sum sufficient, estimated at.....	\$5,413,574	\$5,663,186
16				\$9,163,186
17		Sponsored Programs (11004).....	\$5,413,574	\$5,663,186
18				\$9,163,186
19		Fund Sources: Higher Education Operating.....	\$5,413,574	\$5,663,186
20				\$9,163,186
21		Authority: Title 23.1 Chapter 22, Article 2, Code of Virginia.		
22	213.	Not set out.		
23	213.10	Not set out.		
24		Total for University of Virginia's College at Wise.....	\$51,655,675	\$53,118,899
25				\$56,618,899
26		General Fund Positions.....	171.46	171.46
27		Nongeneral Fund Positions.....	202.24	202.24
28		Position Level.....	373.70	373.70
29		Fund Sources: General.....	\$22,092,157	\$23,305,769
30		Higher Education Operating.....	\$26,573,518	\$26,823,130
31				\$30,323,130
32		Debt Service.....	\$2,990,000	\$2,990,000
33		Grand Total for University of Virginia.....	\$3,905,112,342	\$4,040,192,212
34				\$4,043,692,212
35		General Fund Positions.....	1,260.24	1,260.24
36		Nongeneral Fund Positions.....	13,836.78	13,951.78
37		Position Level.....	15,097.02	15,212.02
38		Fund Sources: General.....	\$186,827,117	\$190,861,029

ITEM 213.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	Higher Education Operating.....	\$3,650,100,760	\$3,781,146,718	
<b>2</b>			\$3,784,646,718	
<b>3</b>	Debt Service.....	\$68,184,465	\$68,184,465	
<b>4</b>	214. Not set out.			
<b>5</b>	215. Not set out.			
<b>6</b>	216. Not set out.			
<b>7</b>	217. Not set out.			
<b>8</b>	218. Not set out.			
<b>9</b>	219. Not set out.			
<b>10</b>	219.10 Not set out.			
<b>11</b>	220. Not set out.			
<b>12</b>	221. Not set out.			
<b>13</b>	222. Not set out.			
<b>14</b>	223. Not set out.			
<b>15</b>	224. Not set out.			
<b>16</b>	225. Not set out.			
<b>17</b>	225.10 Not set out.			
<b>18</b>	226. Not set out.			
<b>19</b>	227. Not set out.			
<b>20</b>	228. Not set out.			
<b>21</b>	229. Not set out.			
<b>22</b>	230. Not set out.			
<b>23</b>	230.10 Not set out.			
<b>24</b>	231. Not set out.			
<b>25</b>	232. Not set out.			
<b>26</b>	233. Not set out.			
<b>27</b>	234. Not set out.			
<b>28</b>	235. Not set out.			
<b>29</b>	235.10 Not set out.			

ITEM 236.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	236.	Not set out.				
2	236.10	Not set out.				
3	237.	Not set out.				
4	238.	Not set out.				
5	239.	Not set out.				
6	240.	Not set out.				
7	240.10	Not set out.				
8	241.	Not set out.				
9	241.10	Not set out.				
10	242.	Not set out.				
11	243.	Not set out.				
12	244.	Not set out.				
13	244.10	Not set out.				
14	245.	Not set out.				
15	246.	Not set out.				
16	247.	Not set out.				
17	248.	Not set out.				
18	248.10	Not set out.				
19	249.	Not set out.				
20	249.10	Not set out.				
21	250.	Not set out.				
22	251.	Not set out.				
23	252.	Not set out.				
24	252.10	Not set out.				
25	253.	Not set out.				
26	253.10	Not set out.				
27	254.	Not set out.				
28	255.	Not set out.				



ITEM 255.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 255.10	Not set out.			
2 256.	Not set out.			
3 256.10	Not set out.			
4 257.	Not set out.			
5 257.10	Not set out.			
6 258.	Not set out.			
7 258.10	Not set out.			
8 259.	Not set out.			
9 259.10	Not set out.			
10 260.	Not set out.			
11 260.10	Not set out.			
12 261.	Not set out.			
13 261.10	Not set out.			
14 262.	Not set out.			
15 262.10	Not set out.			
16	<b>§ 1-13. IN-STATE UNDERGRADUATE TUITION MODERATION (980)</b>			
17 262.50	Omitted.			
18 262.60	Not set out.			
19 20	Total for In-State Undergraduate Tuition Moderation.....		<b>\$0</b>	<b>\$0</b>
21 262.80	Not set out.			
22 263.	Not set out.			
23 24	TOTAL FOR OFFICE OF EDUCATION.....		<b>\$21,464,734,893</b>	<b><del>\$22,423,411,617</del> \$22,364,199,701</b>
25	General Fund Positions.....	18,875.60	18,940.17	
26	Nongeneral Fund Positions.....	42,279.01	42,551.84	
27	Position Level.....	61,154.61	61,492.01	
28 29	Fund Sources: General.....	\$9,341,159,593	<del>\$9,965,403,151</del> \$9,817,258,099	
30	Special.....	\$42,567,364	\$47,567,364	
31 32	Higher Education Operating.....	\$9,640,827,846	<del>\$9,795,875,304</del> \$9,799,375,304	
33 34	Commonwealth Transportation.....	\$2,379,612	<del>\$1,749,612</del> \$1,824,271	

ITEM 263.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Enterprise.....	\$7,479,910	\$7,479,910		
2	Trust and Agency.....	\$871,100,801	\$775,991,854		
3			\$861,350,331		
4	Debt Service.....	\$358,087,772	\$358,087,772		
5	Dedicated Special Revenue.....	\$54,739,507	\$58,739,507		
6	Federal Trust.....	\$1,146,392,488	\$1,412,517,143		

ITEM 264.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF FINANCE</b>			
<b>2</b>	264.	Not set out.		
<b>3</b>	<b>§ 1-14. DEPARTMENT OF ACCOUNTS (151)</b>			
<b>4</b>	265.	Not set out.		
<b>5</b>	266.	Not set out.		
<b>6</b>	267.	Not set out.		
<b>7</b>	268.	Information Systems Management and Direction		
<b>8</b>		(71100).....	\$25,818,318	\$35,462,674
<b>9</b>		Financial Oversight for Performance Budgeting		
<b>10</b>		System (71107).....	\$2,724,495	\$2,795,717
<b>11</b>		Financial Oversight for Cardinal System (71108).....	\$23,093,823	\$32,666,957
<b>12</b>		Fund Sources: Internal Service.....	\$25,818,318	\$35,462,674
<b>13</b>	Authority: Title 2.2 Chapter 8, Code of Virginia			
<b>14</b>	A. The appropriation for Financial Oversight for Performance Budgeting System and			
<b>15</b>	Financial Oversight for Cardinal System is sum sufficient and amounts shown are			
<b>16</b>	estimates from internal service funds for the Commonwealth's enterprise applications			
<b>17</b>	which shall be paid solely from revenues derived from charges for services. All users of			
<b>18</b>	the Commonwealth's enterprise applications shall be assessed a surcharge based on			
<b>19</b>	licenses, transactions, or other meaningful methodology as determined by the Secretary of			
<b>20</b>	Finance and the owner of the enterprise application, which shall be deposited in the fund.			
<b>21</b>	Additionally, the State Comptroller shall recover the cost of services provided for the			
<b>22</b>	administration of the fund through interagency transactions as determined by the State			
<b>23</b>	Comptroller.			
<b>24</b>	1. Out of this appropriation, the Performance Budgeting System is appropriated			
<b>25</b>	\$2,724,495 the first year and \$2,795,717 the second year from internal service fund			
<b>26</b>	revenues.			
<b>27</b>	2. Out of this appropriation, the Cardinal Financial System is appropriated \$23,093,823			
<b>28</b>	the first year and \$20,902,457 the second year from internal service fund revenues.			
<b>29</b>	3. Out of this appropriation, the Cardinal Human Capital Management (HCM) system is			
<b>30</b>	appropriated \$11,764,500 the second year from internal service fund revenues. The second			
<b>31</b>	year amount of \$11,764,500 represents nine months of operating costs incurred after the			
<b>32</b>	full transition to the new Cardinal HCM system during the second year. The operating			
<b>33</b>	costs incurred during the transition are funded through the Working Capital Advance			
<b>34</b>	included in paragraph B.1. of this Item.			
<b>35</b>	4. The State Comptroller shall submit revised projections of revenues and expenditures for			
<b>36</b>	the internal service funds for the Commonwealth's enterprise applications and estimates of			
<b>37</b>	any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.			
<b>38</b>	5. In the event that expenses of the enterprise applications become due before costs have			
<b>39</b>	been fully recovered in the department's internal service fund, a treasury loan shall be			
<b>40</b>	provided to the department to finance these costs. This treasury loan shall be repaid from			
<b>41</b>	the proceeds collected in the funds.			
<b>42</b>	B.1.a. The Department of Accounts, in coordination with the Department of Human			
<b>43</b>	Resource Management shall replace the Commonwealth Integrated Payroll/Personnel			
<b>44</b>	System (CIPPS) and the Personnel Management Information System and the Benefits			
<b>45</b>	Eligibility System (PMIS & BES) with an integrated Human Capital Management (HCM)			
<b>46</b>	system. In order to maximize the efficiencies and benefits of the current Commonwealth			
<b>47</b>	Enterprise Resource Planning system, Cardinal, along with establishing a single source of			

ITEM 268.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	personnel and payroll information and to achieve greater security of sensitive personally			
2	identifiable information, such system shall be based on the HCM modules within the Cardinal			
3	Enterprise Resource Planning application currently serving as the Commonwealth's financial			
4	system.			
5	b. A working capital advance of up to \$142,734,000 shall be provided to the Department of			
6	Accounts to pay the costs of replacing CIPPS and PMIS & BES. This may include any costs			
7	necessary for the planning, development, configuration, and roll-out of the new HCM			
8	application, and any transitional post-production support operating costs prior to the full			
9	transition to the new system. These costs do not include costs necessary to ensure agencies are			
10	prepared for the implementation of the new application and the decommissioning of CIPPS			
11	and PMIS & BES, such as interfaces from agency based systems. An additional amount of up			
12	to \$10,000,000 may be provided to be directed toward any unforeseen costs associated with			
13	the roll-out of the statewide Cardinal HCM system.			
14	c. The Department of Accounts and the Department of Human Resource Management shall			
15	recommend to the Governor a permanent system of governance over the new HCM			
16	application, which shall designate specifically which agencies have the responsibility for			
17	authority and control of the data in the new HCM application as well as responsibility for			
18	systems support and maintenance.			
19	2. The Secretary of Finance and Secretary of Administration shall approve the drawdowns			
20	from this working capital advance prior to the expenditure of funds. The State Comptroller			
21	shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance			
22	Committees of any approved drawdowns.			
23	3. Repayment of the working capital advance and ongoing systems operation, maintenance			
24	and support costs for the statewide Human Capital Management system shall be funded			
25	through an internal service fund for the enterprise application pursuant to paragraph A. of this			
26	Item.			
27	C.I. In order to capitalize on the efficiencies and benefits of the successfully implemented			
28	Commonwealth Enterprise Resource Planning system, Cardinal, a Cardinal Governance			
29	Committee (CGC) shall be established to evaluate and recommend expansion options for the			
30	Cardinal Financials and Human Capital Management (HCM) applications. The CGC shall			
31	analyze expansion opportunities in both the financial and human resources arenas that will			
32	most benefit Commonwealth state agencies in meeting their agency missions and core			
33	objectives. Additionally, this evaluation will analyze opportunities that could possibly allow			
34	for the decommissioning of agency-based systems in favor of the Commonwealth's enterprise			
35	system to improve efficiency and cost effectiveness. Once these opportunities are evaluated			
36	and finalized, the CGC shall present recommendations to the Commonwealth's Secretary of			
37	Finance and Secretary of Administration for review by September 30, 2021. Upon their			
38	approval of any such recommendations, the Cardinal Program will have the authority to			
39	proceed with these projects, subject to available funding.			
40	2. In order to support and maintain the Cardinal project initiative, a working capital advance			
41	(WCA) of up to \$12,000,000 is provided to the Cardinal program as start-up funding in			
42	anticipation of final approved funding. No funds shall be drawn and expended from this WCA			
43	without the prior approval of the Secretary of Finance.			
44	269.	Not set out.		
45	270.	Not set out.		
46	271.	Not set out.		
47	272.	Not set out.		
48	Total for Department of Accounts.....			\$43,356,360 \$52,923,517
49	General Fund Positions.....	115.00	115.00	
50	Nongeneral Fund Positions.....	54.00	54.00	
51	Position Level.....	169.00	169.00	

ITEM 272.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: General.....	\$13,572,366	\$13,407,366		
2	Special.....	\$995,689	\$995,689		
3	Internal Service.....	\$28,788,305	\$38,520,462		
4	<b>Department of Accounts Transfer Payments (162)</b>				
5	273.	Not set out.			
6	274.	Not set out.			
7	275.			\$339,027,631	\$650,000,000
8					\$1,213,866,783
9	Appropriated Revenue Reserve (23701).....	\$339,027,631	\$650,000,000		
10			\$1,213,866,783		
11	Fund Sources: General.....	\$339,027,631	\$650,000,000		
12			\$1,213,866,783		
13	Authority: Title 2.2, Chapter 18, Article 4.1, Code of Virginia.				
14	Notwithstanding any contrary provision of law, there is hereby appropriated in this item				
15	\$339,027,631 from the general fund the first year and \$650,000,000 \$1,213,866,783 from				
16	the general fund the second year to the Revenue Reserve established pursuant to § 2.2-				
17	1831.2, Code of Virginia, to mitigate any potential revenue or transfer shortfalls that may				
18	arise during the biennium. Notwithstanding any contrary provision of law, these amounts				
19	may be transferred to the Revenue Stabilization Fund to meet any Constitutionally-				
20	mandated deposit required based on revenue growth in either year of the fiscal year during				
21	the 2020-2022 biennium.				
22	276.	Not set out.			
23	277.	Not set out.			
24	278.	Not set out.			
25	279.	Not set out.			
26	279.10	Not set out.			
27	Total for Department of Accounts Transfer			\$2,083,512,741	\$2,217,295,824
28	Payments.....				\$2,781,162,607
29					
30	Nongeneral Fund Positions.....	1.00	1.00		
31	Position Level.....	1.00	1.00		
32	Fund Sources: General.....	\$1,495,332,411	\$1,628,895,000		
33			\$2,192,761,783		
34	Trust and Agency.....	\$81,244,219	\$81,554,712		
35	Dedicated Special Revenue.....	\$506,936,111	\$506,846,112		
36	Grand Total for Department of Accounts.....			\$2,126,869,101	\$2,270,219,341
37					\$2,834,086,124
38	General Fund Positions.....	115.00	115.00		
39	Nongeneral Fund Positions.....	55.00	55.00		
40	Position Level.....	170.00	170.00		
41	Fund Sources: General.....	\$1,508,904,777	\$1,642,302,366		
42			\$2,206,169,149		
43	Special.....	\$995,689	\$995,689		
44	Internal Service.....	\$28,788,305	\$38,520,462		
45	Trust and Agency.....	\$81,244,219	\$81,554,712		

ITEM 279.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Dedicated Special Revenue.....	\$506,936,111	\$506,846,112		
2	280. Not set out.				
3	<b>§ 1-15. DEPARTMENT OF TAXATION (161)</b>				
4	281. Not set out.				
5	282. Revenue Administration Services (73200).....			\$61,232,085	\$61,659,588
6					\$62,299,588
7	Tax Return Processing (73214).....	\$6,467,197	<del>\$6,519,013</del>		
8			\$7,159,013		
9	Customer Services (73217).....	\$12,353,531	\$12,371,531		
10	Compliance Audit (73218).....	\$22,761,388	\$23,119,075		
11	Compliance Collections (73219).....	\$16,695,927	\$16,695,927		
12	Legal and Technical Services (73222).....	\$2,954,042	\$2,954,042		
13	Fund Sources: General.....	\$50,392,070	<del>\$50,819,573</del>		
14			\$51,459,573		
15	Special.....	\$10,118,172	\$10,118,172		
16	Dedicated Special Revenue.....	\$721,843	\$721,843		
17	Authority: Title 3.2; Title 58.1, Code of Virginia.				
18	A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to				
19	contract with private collection agencies for the collection of delinquent accounts. The State				
20	Comptroller is hereby authorized to deposit collections from such agencies into the Contract				
21	Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may				
22	be used to pay private collection agencies/attorneys and perform oversight of their operations,				
23	upgrade audit and collection systems and data interfaces, and retain experts to perform				
24	analysis of receivables and collection techniques. Any balance in the fund remaining after				
25	such payment shall be deposited into the appropriate general, nongeneral, or local fund no				
26	later than June 30 of each year.				
27	B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable				
28	share of any court fines and fees to reimburse the department for any ongoing operational				
29	collection expenses.				
30	2. Any form of state debt assigned to the Department of Taxation for collection may be				
31	collected by the department in the same manner and means as state taxes may be collected				
32	pursuant to Title 58.1, Chapter 18, Code of Virginia.				
33	C. The Department of Taxation is hereby appropriated revenues from the Communications				
34	Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the				
35	department in implementing and collecting this tax as provided by § 58.1-662, Code of				
36	Virginia.				
37	D. The Tax Commissioner shall have the authority to waive penalties and grant extensions of				
38	time to file a return or pay a tax, or both, to any class of taxpayers when the Tax				
39	Commissioner in his discretion finds that the normal due date has, or would, cause undue				
40	hardship to taxpayers who were, or would be, unable to use electronic means to file a return or				
41	pay a tax because of a power or systems failure that causes the department's electronic filing				
42	or payment systems to be nonfunctional for all or a portion of a day on or about the due date				
43	for a return or payment.				
44	E. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees				
45	imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of the				
46	donated interest. The Code of Virginia specifies such fees will be used by the Departments of				
47	Taxation and Conservation and Recreation to recover the direct cost of administration				
48	incurred in implementing the Virginia Land Conservation Act.				
49	F. In the event that the United States Congress adopts legislation allowing local governments,				
50	with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from				
51	federal income taxes, the Department of Accounts shall provide a treasury loan to the				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Department of Taxation to finance the costs of modifying the agency's computer systems			
2	to implement this federal debt setoff program. This treasury loan shall be repaid from the			
3	proceeds collected from the offsets of federal income taxes collected on behalf of			
4	localities by the Department of Taxation.			
5	G. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645			
6	et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia			
7	Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662,			
8	Code of Virginia, and Items 273 and 294 of this act. For the purposes of the Comptroller's			
9	preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all			
10	deposits to and disbursements from the Fund shall be accounted for as part of the general			
11	fund of the state treasury.			
12	2. It is the intent of the General Assembly that all such revenues be distributed to counties,			
13	cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of			
14	administering the Virginia Communications Sales and Use Tax.			
15	H. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011,			
16	every employer whose average monthly liability can reasonably be expected to be \$1,000			
17	or more and the aggregate amount required to be withheld by any employer exceeds \$500			
18	shall file the annual report required by § 58.1-478, Code of Virginia, and all forms			
19	required by § 58.1-472, Code of Virginia, using an electronic medium using a format			
20	prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax			
21	Commissioner finds that this requirement creates an unreasonable burden on the			
22	employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.			
23	I. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall			
24	not be required to mail its forms and instructions unless requested by a taxpayer or his			
25	representative.			
26	J.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the			
27	fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax			
28	exemptions under § 58.1-609.10, Code of Virginia, shall be required after the completion			
29	of the final report in the first five-year cycle of the study, due December 1, 2011. The			
30	Department of Taxation shall satisfy the requirement of § 58.1-609.12 that it study and			
31	report on the annual fiscal impact of the Retail Sales and Use Tax exemptions for			
32	nonprofit entities provided for in § 58.1-609.11, Code of Virginia, by publishing such			
33	fiscal impact on its website.			
34	2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the			
35	total amount of corporate income tax relief provided in Virginia shall be required after the			
36	completion of such report due on October 1, 2013. The Department of Taxation shall			
37	satisfy the requirement of § 58.1-202 that it issue an annual report detailing the total			
38	amount of corporate income tax relief provided in Virginia by publishing its Annual			
39	Report on its website.			
40	K. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,			
41	a. Effective January 1, 2013, all corporations are required to file estimated tax payments			
42	and their annual income tax return and final payment using an electronic medium in a			
43	format prescribed by the Tax Commissioner .			
44	b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-			
45	478 and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in			
46	a format prescribed by the Tax Commissioner.			
47	c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-			
48	478 , not later than January 31 of the calendar year succeeding the calendar year in which			
49	wages were withheld from employees.			
50	d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014,			
51	every pass-through entity shall file the annual return required by § 58.1-392, Code of			
52	Virginia, and make related payments using an electronic medium in a format prescribed			
53	by the Tax Commissioner.			

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	e. i. Effective until January 1, 2020, all estates and trusts are required to file estimated tax				
2	payments pursuant to § 58.1-490 et seq., Code of Virginia, and their annual income tax return				
3	pursuant to § 58.1-381, Code of Virginia, and final payment using an electronic medium in a				
4	format prescribed by the Tax Commissioner.				
5	ii. Effective January 1, 2020, annual income tax returns of estates and trusts required pursuant				
6	to § 58.1-381, Code of Virginia, that are prepared by an income tax return preparer, as defined				
7	in § 58.1-302, Code of Virginia, must be filed using an electronic medium in a format				
8	prescribed by the Tax Commissioner.				
9	f. Taxpayers subject to the taxes imposed pursuant to § 58.1-320 and required to pay				
10	estimated tax pursuant to § 58.1-490 et seq., shall be required to file and remit using an				
11	electronic medium in a format prescribed by the Tax Commissioner all installment payments				
12	of estimated tax and all payments made with regard to a return or an extension of time to file				
13	if (i) any one such payment exceeds or is required to exceed \$2,500, or if (ii) the taxpayer's				
14	total tax liability exceeds or can be reasonably expected to exceed \$10,000 in any taxable year				
15	beginning on or after January 1, 2021. This requirement shall apply to any payments made on				
16	and after July 1, 2021. The Department of Taxation shall provide reasonable advanced notice				
17	to taxpayers affected by this requirement.				
18	2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay by				
19	electronic means. Waivers shall be granted only if the Tax Commissioner finds that this				
20	requirement creates an unreasonable burden on the person required to use an electronic				
21	medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.				
22	b. The Tax Commissioner shall have the authority to waive the requirement to file or pay by				
23	January 31. Waivers shall be granted only if the Tax Commissioner finds that this requirement				
24	creates an unreasonable burden on the person required to file or pay by January 31. All				
25	requests for waiver shall be submitted to the Tax Commissioner in writing.				
26	L.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and				
27	payments shall be made using an electronic medium prescribed by the Tax Commissioner				
28	beginning with the June 2012 return, due July 2012, for monthly filers and, for less frequent				
29	filers, with the first return they are required to file after July 1, 2013.				
30	2. Notwithstanding any other provision of law, Out-of-State Dealer's Use Tax and Business				
31	Consumer's Use Tax returns and payments shall be made using an electronic medium				
32	prescribed by the Tax Commissioner beginning with the July 2017 return, due August 2017,				
33	for monthly filers and, for less frequent filers, with the first return they are required to file				
34	after August 1, 2017.				
35	3. The Tax Commissioner shall have the authority to waive the requirement to file by				
36	electronic means upon a determination that the requirement would cause an undue hardship.				
37	All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
38	M. The Department of Taxation is hereby appropriated revenues from the Virginia Motor				
39	Vehicle Rental Tax to recover the direct cost of administration incurred by the department in				
40	implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.				
41	N. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,				
42	1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be				
43	permitted to file a declaration of estimated tax with the Department of Taxation instead of				
44	with the commissioner of the revenue and notwithstanding the provisions of § 58.1-306, Code				
45	of Virginia, the department may so advise taxpayers.				
46	2. Effective January 1, 2015, every treasurer who receives an estimated income tax return,				
47	declaration or voucher pursuant to § 58.1-495 of the Code of Virginia shall transmit such				
48	return, declaration or voucher to the Department of Taxation using an electronic medium in a				
49	format prescribed by the Tax Commissioner.				
50	O. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the				
51	Department of Taxation is authorized to provide Form 1099 in an electronic format to				
52	taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the				
53	electronic version of the form.				



ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	P. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless				
2	Tax to recover the direct cost of administration incurred by the department in				
3	implementing and collecting this tax as provided by § 56-484.17:1, Code of Virginia.				
4	Q. The Department of Taxation is hereby appropriated revenues from the assessment for				
5	expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs				
6	related to the Insurance Premiums License Tax that are incurred by the Department of				
7	Taxation, as provided in § 58.1-2533, Code of Virginia.				
8	R. The Department of Taxation is authorized to recover the administrative costs associated				
9	with debt collection initiatives under the U.S. Treasury Offset Program authorized by §				
10	2.2-4809, not to exceed twenty percent of revenues generated pursuant to such debt				
11	collection initiatives. Such sums are in addition to any fees charged by outside collections				
12	contractors and/or enhanced collection revenues returned to the Commonwealth.				
13	S.1. Notwithstanding any other provision of the Code of Virginia or this act to the				
14	contrary, effective July 1, 2015, the Department of Taxation is hereby authorized to				
15	charge a fee of \$5.00 per copy of a tax return requested by a taxpayer or a representative				
16	thereof.				
17	2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be				
18	granted only if the Tax Commissioner finds that this requirement creates an unreasonable				
19	burden on the person requesting such copies. All requests for waiver shall be submitted to				
20	the Tax Commissioner in writing.				
21	T. Notwithstanding any other provision of the Code of Virginia or this act to the contrary,				
22	effective January 1, 2016, the Department of Taxation shall not provide to the local				
23	commissioners of the revenue or any other local officials copies of federal tax forms or				
24	schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D				
25	(1040), E (1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia				
26	Schedule 500FED, unless such schedules or forms are attached to a Virginia income tax				
27	return and submitted to the department in an electronic format by the taxpayer.				
28	U.1. Notwithstanding any other provision of law, Vending Machine Dealer's Sales Tax,				
29	Motor Vehicle Rental Tax and Fee, Communications Taxes, and Tobacco Products Tax				
30	returns shall be filed using an electronic medium prescribed by the Tax Commissioner				
31	beginning with the July 2016 return, due August 2016, for monthly filers and, for less				
32	frequent filers, with the first return they are required to file after July 1, 2016.				
33	2. Notwithstanding any other provision of law, Litter Tax returns shall be filed and any				
34	payments shall be made using an electronic medium prescribed by the Tax Commissioner				
35	beginning with the first return required to be filed after January 1, 2018.				
36	3. The Tax Commissioner shall have the authority to waive the requirement to file by				
37	electronic means upon a determination that the requirement would cause an undue				
38	hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.				
39	V.1. Notwithstanding any other provision of law, effective July 1, 2017, the Department				
40	of Taxation shall charge a fee of \$275 for each request, except those requested by the local				
41	assessing officer, for a letter ruling to be issued pursuant to § 58.1-203, Code of Virginia,				
42	or for an advisory opinion issued pursuant to §§ 58.1-3701 or 58.1-3983.1, Code of				
43	Virginia; \$50 for each request for an offer in compromise with respect to doubtful				
44	collectability authorized by § 58.1-105, Code of Virginia; and \$100 for each request for				
45	permission to change a corporation's filing method pursuant to § 58.1-442, Code of				
46	Virginia.				
47	2. The Tax Commissioner shall have the authority to waive such fees. Waivers shall be				
48	granted only if the Tax Commissioner finds that such fee creates an unreasonable burden				
49	on the person making such request. All requests for waiver shall be submitted to the Tax				
50	Commissioner in writing.				
51	3. Revenues received from the above fees shall be deposited into the general fund in the				
52	state treasury.				

ITEM 282.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	W. Notwithstanding the provisions of § 38.2-5601, Code of Virginia, the Department of				
2	Taxation shall not be required to update the Virginia Medical Savings Account Plan report				
3	after the completion of such report due on December 31, 2016.				
4	X.1. Notwithstanding any other provision of law, any employer or payroll service provider				
5	that owns or licenses computerized data relating to income tax withheld pursuant to Article 16				
6	(§ 58.1-460 et seq.) of Chapter 3 of Title 58.1 shall notify the Office of the Attorney General				
7	without unreasonable delay after the discovery or notification of unauthorized access and				
8	acquisition of unencrypted and unredacted computerized data containing a taxpayer				
9	identification number in combination with the income tax withheld for that taxpayer that				
10	compromises the confidentiality of such data and that creates a reasonable belief that an				
11	unencrypted and unredacted version of such information was accessed and acquired by an				
12	unauthorized person, and causes, or the employer or payroll provider reasonably believes has				
13	caused or will cause, identity theft or other fraud. With respect to employers, this requirement				
14	applies only to information regarding the employer's employees, and does not apply to				
15	information regarding the employer's customers or other non-employees.				
16	Such employer or payroll service provider shall provide the Office of the Attorney General				
17	with the name and federal employer identification number of the employer as defined in §				
18	58.1-460 that may be affected by the compromise in confidentiality. Upon receipt of such				
19	notice, the Office of the Attorney General shall notify the Department of Taxation of the				
20	compromise in confidentiality. The notification required under this provision that does not				
21	otherwise require notification under subsections A through L of § 18.2-186.6, Code of				
22	Virginia, shall not be subject to any other notification, requirement, exemption, or penalty				
23	contained in that section.				
24	2. Notwithstanding any other provision of law, any income tax return preparer, as defined in §				
25	58.1-302, who prepares any Virginia individual income tax return during a calendar year for				
26	which he has the primary responsibility for the overall substantive accuracy of the preparation				
27	thereof shall notify the Department of Taxation without unreasonable delay after the				
28	discovery or notification of unauthorized access and acquisition of unencrypted and				
29	unredacted return information that compromises the confidentiality of such information and				
30	that creates a reasonable belief that an unencrypted and unredacted version of such				
31	information was accessed and acquired by an unauthorized person, and causes, or such				
32	preparer reasonably believes has caused or will cause, identity theft or other fraud.				
33	Such income tax return preparer shall provide the Department of Taxation with the name and				
34	taxpayer identifying number of any taxpayer that may be affected by the compromise in				
35	confidentiality, as well as the name of the income tax return preparer, his preparer tax				
36	identification number, and such other information as the Department may prescribe.				
37	Y.1. Every payment settlement entity required to file information returns under § 6050W of				
38	the Internal Revenue Code shall, within thirty days of the relevant federal deadline for filing				
39	such returns, submit to the Department of Taxation electronically either (i) a duplicate of all				
40	such information returns or (ii) a duplicate of such information returns related to participating				
41	payees with a Virginia state address or Virginia state taxpayers.				
42	2. All third-party settlement organizations, as defined in § 6050W of the Internal Revenue				
43	Code, shall report to the Department of Taxation electronically, and to any participating				
44	payee, within 30 days of the relevant federal deadline for reporting such information, all				
45	information specified by § 6050W of the Internal Revenue Code with respect to reportable				
46	payment transactions made on or after January 1, 2020 to such participating payee. For				
47	purposes of determining whether a third-party settlement organization is subject to this				
48	requirement, the de minimis limitations of § 6041(a) of the Internal Revenue Code shall apply				
49	mutatis mutandis in lieu of the de minimis limitations of § 6050W of the Internal Revenue				
50	Code. This requirement shall apply only with respect to participating payees with a Virginia				
51	mailing address.				
52	3. The Tax Commissioner shall have the authority to waive the requirement to submit this				
53	information upon a determination that the requirement would cause an unreasonable burden.				
54	In addition, the Tax Commissioner shall have the authority to waive the requirement to submit				
55	this information electronically upon a determination that the requirement would cause an				
56	unreasonable burden. All requests for waiver shall be transmitted to the Tax Commissioner in				
57	writing.				

ITEM 282.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Z. The Department of Taxation is hereby appropriated revenues from the Disposable			
2	Plastic Bag Tax to recover any administrative costs for collecting the tax incurred by the			
3	Department of Taxation as provided by § 58.1-3835 (C), Code of Virginia.			
4	AA. The Department of Taxation is hereby appropriated revenues from the tobacco			
5	products tax imposed under § 58.1-1021.02 of the Code of Virginia to recover any			
6	administrative costs for implementing the tax on heated tobacco products incurred by the			
7	Department of Taxation as provided by Item 3-5.21(D) of this Act.			
8	BB.1. Notwithstanding § 58.1-1803 A, or any other provision of law, the Department of			
9	Taxation may appoint a collector in any county or city, including the treasurer thereof, to			
10	collect delinquent state taxes at any time, even if such delinquent state taxes were not			
11	assessed at least 90 days previously therein.			
12	2. Notwithstanding § 58.1-1803 B, or any other provision of law, the Department of			
13	Taxation may appoint collectors or contract with collection agencies to collect delinquent			
14	state taxes at any time, even if such delinquent state taxes were not assessed at least 90			
15	days previously therein.			
16	283.	Not set out.		
17	284.	Not set out.		
18	Total for Department of Taxation.....		\$119,592,795	\$120,185,117
19				\$120,825,117
20	General Fund Positions.....		905.00	905.00
21	Nongeneral Fund Positions.....		56.00	56.00
22	Position Level.....		961.00	961.00
23	Fund Sources: General.....		\$107,110,104	\$107,702,426
24				\$108,342,426
25	Special.....	\$11,760,848	\$11,760,848	
26	Dedicated Special Revenue.....	\$721,843	\$721,843	
27	285.	Not set out.		
28	286.	Not set out.		
29	287.	Not set out.		
30	287.10	Not set out.		
31	<b>§ 1-16. TREASURY BOARD (155)</b>			
32	288.	Bond and Loan Retirement and Redemption		
33	(74300).....		\$854,158,182	\$901,282,264
34				\$891,532,327
35	Debt Service Payments on General Obligation			
36	Bonds (74301).....		\$59,201,904	\$56,975,915
37	Capital Lease Payments (74302).....		\$4,757,375	\$4,756,000
38	Debt Service Payments on Public Building			
39	Authority Bonds (74303).....		\$289,399,059	\$307,513,491
40				\$305,748,686
41	Debt Service Payments on College Building			
42	Authority Bonds (74304).....		\$500,799,844	\$532,036,858
43				\$524,051,726
44	Fund Sources: General.....		\$815,557,436	\$863,243,052
45				\$853,483,113
46	Higher Education Operating.....	\$31,526,576	\$31,526,576	
47	Dedicated Special Revenue.....	\$645,000	\$645,000	

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Federal Trust.....	\$6,429,170	\$5,867,636		
2			\$5,877,638		

3 Authority: Title 2.2, Chapter 18, Code of Virginia; Article X, Section 9, Constitution of  
4 Virginia.

5 A. The Director, Department of Planning and Budget is authorized to transfer appropriations  
6 between Items in the Treasury Board to address legislation affecting the Treasury Board  
7 passed by the General Assembly.

8 B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the  
9 following amounts are hereby appropriated from the general fund for debt service on general  
10 obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

11	Series	FY 2021		FY 2022	
12		General Fund	Federal Funds	General Fund	Federal Funds
13	2012 Refunding	\$4,129,700	\$0	\$4,029,200	\$0
14	2013 Refunding	\$14,535,250	\$0	\$14,079,000	\$0
15	2015B Refunding	\$13,113,750	\$0	\$12,680,250	\$0
16	2016B Refunding	\$5,483,450	\$0	\$5,320,700	\$0
17	2019B Refunding	\$20,439,250	\$0	\$19,425,000	\$0
18	2019C Refunding	\$1,400,504	\$0	\$1,341,765	\$0
19	Projected debt service & 20 expenses	\$100,000	\$0	\$100,000	\$0
21	<b>Total Service Area</b>	<b>\$59,201,904</b>	<b>\$0</b>	<b>\$56,975,915</b>	<b>\$0</b>

22 2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed  
23 to fund issuance costs and other expenses are hereby appropriated.

24 C. Out of the amounts for Capital Lease Payments, the following amounts are hereby  
25 appropriated for capital lease payments:

26		FY 2021	FY 2022
27	Virginia Biotech Research Park, 2009	\$4,757,375	\$4,756,000
28	<b>Total Capital Lease Payments</b>	<b>\$4,757,375</b>	<b>\$4,756,000</b>

29 D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority  
30 Bonds shall be paid to the Virginia Public Building Authority the following amounts for use  
31 by the authority for its various bond issues:

32	Series	FY 2021		FY 2022	
33		General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
34	2005D	\$0	\$0	\$0	\$0
35	2009A	\$4,682,863	\$0	\$4,683,497	\$0
36	2009C	\$1,087,310	\$0	\$1,088,090	\$0
37	2009D Refunding	\$0	\$0	\$0	\$0
38	2010A	\$15,480,344	\$126,725	\$0	\$0
39	2010B	\$33,944,941	\$3,121,053	\$33,924,754	\$2,916,714
40					\$2,926,714
41	2011A STARS	\$630,375	\$0	\$630,375	\$0
42	2011A	\$12,909,250	\$0	\$12,909,875	\$0
43	2011B	\$1,298,949	\$0	\$1,297,924	\$0
44				\$0	
45	2012A Refunding	\$6,557,350	\$0	\$6,551,700	\$0
46	2013A	\$8,825,775	\$0	\$8,824,900	\$0
47	2013B Refunding	\$17,243,625	\$0	\$17,245,000	\$0
48	2014A	\$8,480,150	\$645,000	\$8,477,525	\$645,000

ITEM 288.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2014B	\$2,010,580	\$0	\$2,011,088	\$0	
2	2014C Refunding	\$25,871,400	\$0	\$17,373,650	\$0	
3	2015A	\$17,339,870	\$0	\$17,342,870	\$0	
4	2015B Refunding	\$11,264,775	\$0	\$11,266,900	\$0	
5	2016A	\$14,387,050	\$0	\$14,389,800	\$0	
6	2016B Refunding	\$17,811,650	\$0	\$17,811,275	\$0	
7	2016C	\$11,658,000	\$0	\$11,656,000	\$0	
8	2016D	\$904,382	\$0	\$906,682	\$0	
9	2017A Refunding	\$6,722,850	\$0	\$6,722,850	\$0	
10	2018A	\$11,749,844	\$0	\$11,746,094	\$0	
11	2018B	\$1,229,590	\$0	\$1,229,490	\$0	
12	2019A	\$13,434,000	\$0	\$13,438,000	\$0	
13	2019B	\$10,159,150	\$0	\$10,157,525	\$0	
14	2019C	\$5,579,052	\$0	\$5,453,302	\$0	
15	2020A	\$7,540,326	\$0	\$15,721,700	\$0	
16	2020B Refunding	\$10,280,523	\$0	\$24,629,625	\$0	
17	2020C	\$2,058,711	\$0	\$6,620,033	\$0	
18	2021A	\$0	\$0	\$18,833,403	\$0	
19	2021B Refunding	\$0	\$0	\$104,144	\$0	
20	Projected debt service	\$363,596	\$0	\$19,841,253	\$0	
21	and expenses			\$426,825		
22	<b>Total Service Area</b>	<b>\$281,506,281</b>	<b>\$3,892,778</b>	<b>\$303,951,777</b>	<b>\$3,561,714</b>	
23				<b>\$302,176,972</b>	<b>\$3,571,714</b>	
24	2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion					
25	of the approved capital costs as determined by the Board of Corrections and other interest					
26	costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the					
27	following:					
28						<b>Commonwealth Share of</b>
29	<b>Project</b>					<b>Approved Capital Costs</b>
30	Prince William – Manassas Regional Jail					\$21,032,421
31	Middle River Regional Jail - Expansion and Renovation					\$24,125,430
32	Henry County Jail					\$18,759,878
33	Chesapeake City Jail					\$6,860,886
34	Piedmont Regional Jail					\$2,139,464
35	Prince William – Manassas Regional Jail Expansion					\$678,387
36	Riverside Regional Jail					\$807,447
37	<b>Total Approved Capital Costs</b>					<b>\$74,403,913</b>
38	b. The Commonwealth's share of the total construction cost of the projects listed in the					
39	table in paragraph D.2.a. shall not exceed the amount listed for each project.					
40	Reimbursement of the Commonwealth's portion of the construction costs of these projects					
41	shall be subject to the approval of the Department of Corrections of the final expenditures.					
42	c. This paragraph shall constitute the authority for the Virginia Public Building Authority					
43	to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.					
44	E.1. Out of the amounts for Debt Service Payments on Virginia College Building					
45	Authority Bonds shall be paid to the Virginia College Building Authority the following					
46	amounts for use by the Authority for payments on obligations issued for financing					
47	authorized projects under the 21st Century College Program:					
48	<b>Series</b>		<b>FY 2021</b>			<b>FY 2022</b>
49	2009E Refunding		\$26,967,750			\$26,971,250
50	2010B		\$27,254,689			\$27,021,208

ITEM 288.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1				\$27,021,210
2	2011 A	\$10,295,250		\$0
3	2012A	\$15,180,225		\$14,112,000
4	2012B	\$19,726,350		\$17,970,850
5	2013 A	\$15,300,459		\$13,340,250
6	2014A	\$16,684,250		\$15,938,850
7	2014B Refunding	\$195,400		\$195,400
8	2015A	\$26,655,700		\$26,656,450
9	2015B Refunding	\$27,432,898		\$27,429,861
10	2015D	\$13,716,535		\$13,716,785
11	2016A	\$19,471,600		\$19,472,600
12	2016B Refunding	\$1,972,000		\$1,972,000
13	2016C	\$4,432,507		\$4,431,735
14	2017B Refunding	\$19,961,500		\$18,609,750
15	2017C	\$31,465,500		\$31,470,250
16	2017D	\$11,317,081		\$11,315,706
17	2017E Refunding	\$26,711,750		\$35,956,750
18	2019A	\$31,122,350		\$31,126,100
19	2019B	\$9,985,500		\$9,982,250
20	2019C Refunding	\$29,213,500		\$29,064,250
21	2020A & B	\$22,691,465		\$22,693,075
22	2020B Refunding	\$2,687,900		\$7,864,385
23	2021A	\$0		\$32,914,866
24	Projected 21st Century debt service &	\$356,120		<del>\$40,416,604</del>
25	expenses			\$418,203
26	<b>Subtotal 21st Century</b>	<b>\$410,798,279</b>		<b>\$447,728,359</b>
27				<b>\$440,644,826</b>
28	2. Out of the amounts for Debt Service Payments on Virginia College Building Authority			
29	Bonds shall be paid to the Virginia College Building Authority the following amounts for the			
30	payment of debt service on authorized bond issues to finance equipment:			
31	<b>Series</b>	<b>FY 2021</b>		<b>FY 2022</b>
32	2013A	\$9,450,000		\$0
33	2014A	\$9,660,000		\$0
34	2015A	\$10,479,250		\$10,479,000
35	2016A	\$11,066,750		\$11,063,750
36	2017A	\$11,851,750		\$11,852,250
37	2018	\$12,859,500		\$12,860,750
38	2019A	\$12,570,250		\$12,571,250
39	2020A	\$12,064,065		\$12,061,250
40	2021A	\$0		\$12,518,650
41	Projected debt service & expenses	\$0		\$13,420,249
42				\$0
43	Subtotal Equipment	\$90,001,565		\$84,308,499
44				\$83,406,900
45	<b>Total Service Area</b>	<b>\$500,799,844</b>		<b>\$532,036,858</b>
46				<b>\$524,051,726</b>
47	3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the			
48	Treasury Board shall amortize equipment purchases at seven years, which is consistent with			
49	the useful life of the equipment.			
50	4. Out of the amounts for Debt Service Payments on Virginia College Building Authority			
51	Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state			

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	students at institutions of higher education shall be paid to the Virginia College Building				
2	Authority in each year for debt service on bonds issued under the 21st Century Program:				
3	<b>Institution</b>		<b>FY 2021</b>		<b>FY 2022</b>
4	George Mason University		\$2,804,490		\$2,804,490
5	Old Dominion University		\$1,108,899		\$1,108,899
6	University of Virginia		\$5,006,754		\$5,006,754
7	Virginia Polytechnic Institute and State		\$5,192,295		\$5,192,295
8	University				
9	Virginia Commonwealth University		\$2,359,266		\$2,359,266
10	College of William and Mary		\$1,639,845		\$1,639,845
11	Christopher Newport University		\$131,508		\$131,508
12	University of Virginia's College at Wise		\$48,330		\$48,330
13	James Madison University		\$2,843,787		\$2,843,787
14	Norfolk State University		\$420,789		\$420,789
15	Longwood University		\$106,149		\$106,149
16	University of Mary Washington		\$234,834		\$234,834
17	Radford University		\$300,486		\$300,486
18	Virginia Military Institute		\$400,470		\$400,470
19	Virginia State University		\$773,577		\$773,577
20	Richard Bland College		\$10,830		\$10,830
21	Virginia Community College System		\$3,301,665		\$3,301,665
22	<b>TOTAL</b>		<b>\$26,683,974</b>		<b>\$26,683,974</b>

23 5. Out of the amounts for Debt Service Payments of College Building Authority Bonds,  
 24 the following is the estimated general and nongeneral fund breakdown of each institution's  
 25 share of the debt service on the Virginia College Building Authority bond issues to  
 26 finance equipment. The nongeneral fund amounts shall be paid to the Virginia College  
 27 Building Authority in each year for debt service on bonds issued under the equipment  
 28 program:

		FY 2021		FY 2022	
	<b>Institution</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>	<b>General Fund</b>	<b>Nongeneral Fund</b>
30	College of William &	\$2,992,492	\$259,307	\$2,653,323	\$259,307
31	Mary				
32	University of Virginia	\$16,277,138	\$1,088,024	\$15,875,947	\$1,088,024
33				\$14,200,947	
34	Virginia Polytechnic	\$16,204,292	\$992,321	\$15,139,747	\$992,321
35	Institute and State				
36	University				
37	Virginia Military	\$903,953	\$88,844	\$858,424	\$88,844
38	Institute			\$800,533	
39	Virginia State	\$1,394,946	\$108,886	\$1,275,939	\$108,886
40	University				
41	Norfolk State	\$1,011,086	\$108,554	\$997,014	\$108,554
42	University			\$1,096,014	
43	Longwood University	\$778,221	\$54,746	\$730,450	\$54,746
44				\$691,450	
45	University of Mary	\$1,142,531	\$97,063	\$1,079,332	\$97,063
46	Washington			\$1,204,332	
47	James Madison	\$2,533,299	\$254,504	\$2,213,725	\$254,504
48	University			\$2,063,725	
49	Radford University	\$1,315,037	\$135,235	\$1,123,031	\$135,235
50				\$948,031	
51	Old Dominion	\$5,850,888	\$374,473	\$5,106,268	\$374,473
52					

ITEM 288.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	University			\$3,601,685	
2	Virginia Commonwealth	\$10,977,292	\$401,647	<del>\$10,004,070</del>	\$401,647
3	University			\$9,208,584	
4	Richard Bland College	\$177,408	\$2,027	\$163,209	\$2,027
5	Christopher Newport	\$827,427	\$17,899	<del>\$789,369</del>	\$17,899
6	University			\$739,369	
7	University of Virginia's	\$176,121	\$19,750	<del>\$166,863</del>	\$19,750
8	College at Wise			\$221,818	
9	George Mason	\$4,998,921	\$205,665	<del>\$4,430,559</del>	\$205,665
10	University			\$4,410,312	
11	Virginia Community	\$16,235,987	\$633,657	<del>\$15,560,782</del>	\$633,657
12	College System			\$18,610,782	
13	Virginia Institute of	\$479,080	\$0	<del>\$461,150</del>	\$0
14	Marine Science			\$556,150	
15	Roanoke Higher	\$86,971	\$0	\$80,089	\$0
16	Education Authority				
17	Southwest Virginia	\$89,759	\$0	\$82,656	\$0
18	Higher Education Center				
19	Institute for Advanced	\$242,191	\$0	<del>\$230,881</del>	\$0
20	Learning and Research			\$282,881	
21	Southern Virginia	\$107,326	\$0	\$98,833	\$0
22	Higher Education Center				
23	New College Institute	\$38,640	\$0	\$34,614	\$0
24	Eastern Virginia Medical	\$317,961	\$0	<del>\$309,627</del>	\$0
25	School			\$399,279	
26	<b>TOTAL</b>	<b>\$85,158,967</b>	<b>\$4,842,602</b>	<b><del>\$79,465,902</del></b>	<b>\$4,842,602</b>
27				<b>\$78,564,300</b>	
28	F. Pursuant to various Payment Agreements between the Treasury Board and the				
29	Commonwealth Transportation Board, funds required to pay the debt service due on				
30	Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders				
31	by the Treasury Board after transfer of these funds to the Treasury Board from the				
32	Commonwealth Transportation Board pursuant to Item 452, paragraph E of this act and §§				
33	<a href="#">33.2-2300</a> , <a href="#">33.2-2400</a> , and <a href="#">58.1-816.1</a> , Code of Virginia.				
34	G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use				
35	as lease, rental, or debt service payments to be used for any type of financing where the				
36	proceeds are used to acquire equipment and to finance associated costs, including but not				
37	limited to issuance and other financing costs. In the event such transfers occur, the transfers				
38	shall be deemed an appropriation to the Treasury Board for the purpose of making the lease,				
39	rental, or debt service payments described herein.				
40	H. Notwithstanding the provisions of <del>2.2-11.56</del> <a href="#">2.2-1156</a> , Code of Virginia, if tax-exempt				
41	bonds were used by the Commonwealth or its authorities, boards, or institutions to finance the				
42	acquisition, construction, improvement or equipping of real property, proceeds from the				
43	subsequent sale or disposition of such property and any improvements may first be applied				
44	toward remediation options available under federal law in order to maintain the tax-exempt				
45	status of such bonds.				
46	I. Out of this appropriation, \$4,000,000 the first year from the general fund is provided for the				
47	defeasance of the outstanding bonds on the Central Virginia Training Center.				
48	289.	Not set out.			
49		Total for Treasury Board.....		<b>\$854,158,182</b>	<b>\$901,282,264</b>
50					<b>\$891,532,327</b>
51		Fund Sources: General.....	\$815,557,436	<del>\$863,243,052</del>	
52				<b>\$853,483,113</b>	
53		Higher Education Operating.....	\$31,526,576	\$31,526,576	



ITEM 289.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Dedicated Special Revenue.....	\$645,000	\$645,000		
2	Federal Trust.....	\$6,429,170	\$5,867,636		
3			\$5,877,638		
4	290. Not set out.				
5	TOTAL FOR OFFICE OF FINANCE.....			<b>\$3,162,578,725</b>	<b>\$3,353,754,618</b>
6					<b>\$3,908,511,464</b>
7	General Fund Positions.....	1,123.20	1,123.20		
8	Nongeneral Fund Positions.....	218.80	218.80		
9	Position Level.....	1,342.00	1,342.00		
10	Fund Sources: General.....	\$2,449,236,257	<del>\$2,630,911,033</del>		
11			\$3,185,657,877		
12	Special.....	\$13,225,653	\$13,225,653		
13	Higher Education Operating.....	\$31,526,576	\$31,526,576		
14	Commonwealth Transportation.....	\$185,187	\$185,187		
15	Internal Service.....	\$28,788,305	\$38,520,462		
16	Trust and Agency.....	\$121,907,101	\$122,327,594		
17	Dedicated Special Revenue.....	\$511,280,476	\$511,190,477		
18	Federal Trust.....	\$6,429,170	\$5,867,636		
19			\$5,877,638		

ITEM 291.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<b>OFFICE OF HEALTH AND HUMAN RESOURCES</b>			
2	<b>§ 1-17. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)</b>			
3	291.	Not set out.		
4	<b>Children's Services Act (200)</b>			
5	292.	Protective Services (45300).....		\$369,379,676
6		Financial Assistance for Child and Youth Services		\$385,091,773
7		(45303).....	\$369,379,676	\$385,091,773
8		Fund Sources: General.....	\$316,771,930	\$327,459,444
9		Federal Trust.....	\$52,607,746	\$57,632,329
10	Authority: Title 2.2, Chapter 52, Code of Virginia.			
11	A. The Department of Education shall serve as fiscal agent to administer funds cited in			
12	paragraphs B and C.			
13	B.1.a. Out of this appropriation, \$260,642,978 the first year and \$268,974,546 the second year			
14	from the general fund and \$51,607,746 the first year and \$57,632,329 the second year from			
15	nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of			
16	Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid			
17	pool allocation.			
18	b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and			
19	\$31,214,350 the second year from the general fund and \$43,187,748 the first year and			
20	\$48,212,331 the second year from nongeneral funds. The Office of Children's Services will			
21	transfer these funds to the Department of Medical Assistance Services as they are needed to			
22	pay Medicaid provider claims.			
23	c. The non-Medicaid state pool allocation shall consist of \$232,116,781 the first year and			
24	\$237,760,196 the second year from the general fund and \$8,419,998 the first year and			
25	\$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred			
26	from the Department of Social Services.			
27	d. The Office of Children's Services, with the concurrence of the Department of Planning and			
28	Budget, shall have the authority to transfer the general fund allocation between the Medicaid			
29	and non-Medicaid state pools in the event that a shortage should exist in either of the funding			
30	pools.			
31	e. The Office of Children's Services, per the policy of the State Executive Council, shall deny			
32	state pool funding to any locality not in compliance with federal and state requirements			
33	pertaining to the provision of special education and foster care services funded in accordance			
34	with § 2.2-5211, Code of Virginia.			
35	2.a. Out of this appropriation, \$53,620,114 the first year and \$55,666,865 the second year			
36	from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from			
37	nongeneral funds shall be set aside to pay for the state share of supplemental requests from			
38	localities that have exceeded their state allocation for mandated services. The nongeneral			
39	funds shall be transferred from the Department of Social Services.			
40	b. In each year, the director of the Office of Children's Services may approve and obligate			
41	supplemental funding requests in excess of the amount in 2a above, for mandated pool fund			
42	expenditures up to 10 percent of the total general fund appropriation authority in B1a in this			
43	Item.			
44	c. The State Executive Council shall maintain local government performance measures to			
45	include, but not be limited to, use of federal funds for state and local support of the Children's			
46	Services Act.			
47	d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall			

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	seek to ensure that services and funding are consistent with the Commonwealth's policies			
2	of preserving families and providing appropriate services in the least restrictive			
3	environment, while protecting the welfare of children and maintaining the safety of the			
4	public. Each locality shall submit to the Office of Children's Services information on			
5	utilization of residential facilities for treatment of children and length of stay in such			
6	facilities. By December 15 of each year, the Office of Children's Services shall report to			
7	the Governor and Chairmen of the House Appropriations and Senate Finance Committees			
8	on utilization rates and average lengths of stays statewide and for each locality.			
9	3. Each locality receiving funds for activities under the Children's Services Act (CSA)			
10	shall have a utilization management process, including a uniform assessment, approved by			
11	the State Executive Council, covering all CSA services. Utilizing a secure electronic site,			
12	each locality shall also provide information as required by the Office of Children's			
13	Services to include, but not be limited to case specific information, expenditures, number			
14	of youth served in specific CSA activities, length of stay for residents in core licensed			
15	residential facilities, and proportion of youth placed in treatment settings suggested by the			
16	uniform assessment instrument. The State Executive Council, utilizing this information,			
17	shall track and report on child specific outcomes for youth whose services are funded			
18	under the Children's Services Act. Only non-identifying demographic, service, cost and			
19	outcome information shall be released publicly. Localities requesting funding from the set			
20	aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to			
21	receive pool funding.			
22	4. The Secretary of Health and Human Resources, in consultation with the Secretary of			
23	Education and the Secretary of Public Safety and Homeland Security, shall direct the			
24	actions for the Departments of Social Services, Education, and Juvenile Justice, Medical			
25	Assistance Services, Health, and Behavioral Health and Developmental Services, to			
26	implement, as part of ongoing information systems development and refinement, changes			
27	necessary for state and local agencies to fulfill CSA reporting needs.			
28	5. The State Executive Council shall provide localities with technical assistance on ways			
29	to control costs and on opportunities for alternative funding sources beyond funds			
30	available through the state pool.			
31	6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the			
32	general fund is provided for a combination of regional and statewide meetings for			
33	technical assistance to local community policy and management teams, family assessment			
34	and planning teams, and local fiscal agents. Training shall include, but not be limited to,			
35	cost containment measures, building community-based services, including creation of			
36	partnerships with private providers and non-profit groups, utilization management, use of			
37	alternate revenue sources, and administrative and fiscal issues. A state-supported			
38	institution of higher education, in cooperation with the Virginia Association of Counties,			
39	the Virginia Municipal League, and the State Executive Council, may assist in the			
40	provisions of this paragraph. A training plan shall be presented to and approved by the			
41	State Executive Council before the beginning of each fiscal year. A training calendar and			
42	timely notice of programs shall be provided to Community Policy and Management			
43	Teams and family assessment and planning team members statewide as well as to local			
44	fiscal agents and chief administrative officers of cities and counties. A report on all			
45	regional and statewide training sessions conducted during the fiscal year, including (i) a			
46	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,			
48	and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations			
49	and Senate Finance Committees and to the members of the State Executive Council by			
50	December 1 of each year. Any funds unexpended for this purpose in the first year shall be			
51	reappropriated for the same use in the second year.			
52	7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the			
53	general fund is provided for the Office of Children's Services to contract for the support of			
54	uniform CSA reporting requirements.			
55	8. The State Executive Council shall require a uniform assessment instrument.			
56	9. The Office of Children's Services, in conjunction with the Department of Social			
57	Services, shall determine a mechanism for reporting Temporary Assistance for Needy			

ITEM 292.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Families Maintenance of Effort eligible costs incurred by the Commonwealth and local			
2	governments for the Children's Services Act.			
3	10. For purposes of defining cases involving only the payment of foster care maintenance,			
4	pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by			
5	the Virginia Department of Social Services for federal Title IV-E shall be used.			
6	C. The funding formula to carry out the provisions of the Children's Services Act is as			
7	follows:			
8	1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts			
9	specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each			
10	locality in each year of the biennium based on the greater of that locality's percentage of			
11	actual 1997 Children's Services Act pool fund program expenditures to total 1997 pool fund			
12	program expenditures or the latest available three-year average of actual pool fund program			
13	expenditures as reported to the state fiscal agent.			
14	2. Local Match. All localities are required to appropriate a local match for the base year			
15	funding consisting of the actual aggregate local match rate based on actual total 1997 program			
16	expenditures for the Children's Services Act. This local match rate shall also apply to all			
17	reimbursements from the state pool of funds in this Item and carryforward expenditures			
18	submitted prior to September 30 each year for the preceding fiscal year, including			
19	administrative reimbursements under paragraph C.4. in this Item.			
20	3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local			
21	match rate for community based services for each locality shall be reduced by 50 percent.			
22	b. Localities shall review their caseloads for those individuals who can be served			
23	appropriately by community-based services and transition those cases to the community for			
24	services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services			
25	for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011,			
26	the local match rate for Medicaid residential services for each locality shall be 25 percent			
27	above the fiscal year 2007 base.			
28	c. By December 1 of each year, The State Executive Council (SEC) shall provide an update to			
29	the Governor and the Chairmen of the House Appropriations and Senate Finance Committees			
30	on the outcomes of this initiative.			
31	d. At the direction of the State Executive Council, local Community Policy and Management			
32	Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their			
33	service areas to develop a local plan for intensive care coordination (ICC) services that best			
34	meets the needs of the children and families. If there is more than one CPMT in the CSB's			
35	service area, the CPMTs and the CSB may work together as a region to develop a plan for			
36	ICC services. Local CPMTs and CSBs shall also work together to determine the most			
37	appropriate and cost-effective provider of ICC services for children in their community who			
38	are placed in, or at-risk of being placed in, residential care through the Children's Services			
39	Act, in accordance with guidelines developed by the State Executive Council. The State			
40	Executive Council and Office of Children's Services shall establish guidelines for reasonable			
41	rates for ICC services and provide training and technical assistance to CPMTs and fiscal			
42	agents regarding these services.			
43	e. The local match rate for all non-Medicaid services provided in the public schools after June			
44	30, 2011 shall equal the fiscal year 2007 base.			
45	4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of			
46	the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and			
47	\$2,060,000 the second year from the general fund, shall be allocated among all localities for			
48	administrative costs. Every locality shall be required to appropriate a local match based on the			
49	local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and			
50	local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to			
51	two percent of the total pool allocation. Localities are encouraged to use administrative			
52	funding to hire a full-time or part-time local coordinator for the Children's Services Act			
53	program. Localities may pool this administrative funding to hire regional coordinators.			
54	5. Definition. For purposes of the funding formula in the Children's Services Act, "locality"			

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	means city or county.				
2	D. Community Policy and Management Teams shall use Medicaid-funded services				
3	whenever they are available for the appropriate treatment of children and youth receiving				
4	services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be				
5	spent for any service that can be funded through Medicaid for Medicaid-eligible children				
6	and youth except when Medicaid-funded services are unavailable or inappropriate for				
7	meeting the needs of a child.				
8	E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and				
9	Management Teams shall enter into agreements with the parents or legal guardians of				
10	children receiving services under the Children's Services Act. The Office of Children's				
11	Services shall be a party to any such agreement. If the parent or legal guardian fails or				
12	refuses to pay the agreed upon sum on a timely basis and a collection action cannot be				
13	referred to the Division of Child Support Enforcement of the Department of Social				
14	Services, upon the request of the community policy management team, the Office of				
15	Children's Services shall make a claim against the parent or legal guardian for such				
16	payment through the Department of Law's Division of Debt Collection in the Office of the				
17	Attorney General.				
18	F. The Office of Children's Services, in cooperation with the Department of Medical				
19	Assistance Services, shall provide technical assistance and training to assist residential and				
20	treatment foster care providers who provide Medicaid-reimbursable services through the				
21	Children's Services Act to become Medicaid-certified providers.				
22	G. The Office of Children's Services shall work with the State Executive Council and the				
23	Department of Medical Assistance Services to assist Community Policy and Management				
24	Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-				
25	eligible children and youth through the Children's Services Act, thereby increasing				
26	Medicaid reimbursement for treatment services and decreasing the number of denials for				
27	Medicaid services related to medical necessity and utilization review activities.				
28	H. Pursuant to subdivision 21 of § 2.2-2648, Code of Virginia, no later than December 20				
29	in the odd-numbered years, the State Executive Council shall biennially publish and				
30	disseminate to members of the General Assembly and Community Policy and				
31	Management Teams a progress report on services for children, youth, and families and a				
32	plan for such services for the succeeding biennium.				
33	I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the				
34	general fund shall be used to purchase and maintain an information system to provide				
35	quality and timely child demographic, service, expenditure, and outcome data.				
36	J. The State Executive Council shall work with the Department of Education to ensure that				
37	funding in this Item is sufficient to pay for the educational services of students that have				
38	been placed in or admitted to state or privately operated psychiatric or residential				
39	treatment facilities to meet the educational needs of the students as prescribed in the				
40	student's Individual Educational Plan (IEP).				
41	K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster				
42	care services including but not limited to the number of children served annually, average				
43	cost of care, type of service provided, length of stay, referral source, and ultimate				
44	disposition. In addition, the OCS shall provide guidance and training to assist localities in				
45	negotiating contracts with therapeutic foster care providers.				
46	2. The Office of Children's Services shall report on funding for special education day				
47	treatment and residential services, including but not limited to the number of children				
48	served annually, average cost of care, type of service provided, length of stay, referral				
49	source, and ultimate disposition.				
50	3. The Office of Children's Services shall report by December 1 of each year the				
51	information included in this paragraph to the Chairmen of the House Appropriations and				
52	Senate Finance Committees.				
53	L. Out of this appropriation, the Director, Office of Children's Services, shall allocate				
54	\$2,200,000 the first year and \$2,200,000 the second year from the general fund to				

ITEM 292.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	localities for wrap-around services for students with disabilities as defined in the Children's				
2	Services Act policy manual.				
3	M. Notwithstanding any other provision of law, the rates paid by localities to providers of				
4	private day special education services under the Children's Services Act shall not increase				
5	more than two percent the first year above the rates paid in the prior fiscal year. All localities				
6	shall submit their contracted rates for private day education services to the Office of				
7	Children's Services by August 1 of each year.				
8	<i>N. Any funds in this Item that remain unexpended on June 30, 2022 shall not revert to the</i>				
9	<i>general fund but shall be carried forward and reappropriated for the purposes outlined in</i>				
10	<i>paragraph B of this Item.</i>				
11	293. Not set out.				
12	293.10 Not set out.				
13	Total for Children's Services Act.....			\$371,589,472	\$387,273,012
14	General Fund Positions.....	14.00	15.00		
15	Position Level.....	14.00	15.00		
16	Fund Sources: General.....	\$318,981,726	\$329,640,683		
17	Federal Trust.....	\$52,607,746	\$57,632,329		
18	Grand Total for Secretary of Health and Human				
19	Resources.....			\$372,467,536	\$388,151,076
20	General Fund Positions.....	19.00	20.00		
21	Position Level.....	19.00	20.00		
22	Fund Sources: General.....	\$319,859,790	\$330,518,747		
23	Federal Trust.....	\$52,607,746	\$57,632,329		
24	294. Not set out.				
25	<b>§ 1-18. DEPARTMENT OF HEALTH (601)</b>				
26	295. Not set out.				
27	296. Not set out.				
28	297. Not set out.				
29	298. Not set out.				
30	299. Not set out.				
31	300. Not set out.				
32	301. State Health Services (43000).....			\$167,167,937	\$164,546,113
33	Child and Adolescent Health Services (43002).....	\$11,744,457	\$11,744,457		
34	Women's and Infant's Health Services (43005).....	\$11,080,619	\$11,123,335		
35	Chronic Disease Prevention, Health Promotion, and				
36	Oral Health (43015).....	\$11,400,846	\$11,900,846		
37	Injury and Violence Prevention (43016).....	\$4,320,403	\$4,830,863		
38	Women, Infants, and Children (WIC) and				
39	Community Nutrition Services (43017).....	\$128,621,612	\$124,946,612		
40	Fund Sources: General.....	\$6,564,476	\$7,617,652		
41	Special.....	\$3,111,390	\$3,111,390		
42	Dedicated Special Revenue.....	\$64,967,057	\$61,292,057		

ITEM 301.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Federal Trust.....	\$92,525,014	\$92,525,014		
2	Authority: §§ 32.1-11, 32.1-77, 32.1-89, and 32.1-90, Code of Virginia; P.L. 94-566, as				
3	amended, Title V of the U.S. Social Security Act and Title X of the U.S. Public Health				
4	Service Act, Federal Code; and P.L. 95-627, as amended, Federal Code.				
5	A. Out of this appropriation, \$999,804 the first year and \$999,804 the second year from				
6	special funds is provided to support the newborn screening program and its expansion				
7	pursuant to Chapters 717 and 721, Act of Assembly of 2005, and Chapter 531, 2018 Acts				
8	of Assembly. Fee revenues sufficient to fund the Department of Health's costs of the				
9	program and its expansion shall be transferred from the Division of Consolidated				
10	Laboratory Services.				
11	B. The Special Supplemental Nutrition Program for Women, Infants, and Children is				
12	exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).				
13	C. Out of this appropriation, \$305,000 the first year and \$305,000 the second year from				
14	the general fund shall be provided to the department's sickle cell program to address rising				
15	pediatric caseloads in the current program. Any remaining funds shall be used to develop				
16	transition services for youth who will require adult services to ensure appropriate medical				
17	services are available and provided for youth who age out of the current program.				
18	D. It is the intent of the General Assembly that the State Health Commissioner continue				
19	providing services through child development clinics and access to children's dental				
20	services.				
21	E. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year				
22	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
23	to the Department of Health for the operation of the Resource Mothers program.				
24	F.1. Out of this appropriation, \$124,470 the first year and \$124,470 the second year from				
25	the general fund and \$82,980 the first year and \$82,980 the second year from nongeneral				
26	funds shall be provided for the Virginia Department of Health to establish and administer				
27	a Perinatal Quality Collaborative. The Perinatal Quality Collaborative shall work to				
28	improve pregnancy outcomes for women and newborns by advancing evidence-based				
29	clinical practices and processes through continuous quality improvement with an initial				
30	focus on pregnant women with substance use disorder and infants impacted by neonatal				
31	abstinence syndrome.				
32	2. Out of this appropriation, \$315,000 the first year and \$315,000 the second year from the				
33	general fund shall be provided to support efforts by the Virginia Neonatal Perinatal				
34	Collaborative (VNPC) to decrease maternal mortality and morbidity. Funding shall be				
35	used for a coordinator position for community engagement, training and education; the				
36	development of a pilot program of the Centers for Disease Control's levels of care				
37	assessment (LOCATe) tool in the Richmond metropolitan region and Tidewater region;				
38	and development of a Project ECHO tele-education model for education and training.				
39	Funding shall also be used to assist the VNPC with expanding capacity to address these				
40	issues through the use of software to advance data analytics.				
41	G.1. Out of the appropriation, \$100,000 the first year and \$650,000 the second year from				
42	the general fund shall be transferred to the Virginia Sexual and Domestic Violence				
43	Prevention Fund.				
44	2. The Department of Health shall continue to award and provide federal Rape Prevention				
45	and Education (RPE) funds through the cooperative agreement with the Centers for				
46	Disease Control to the six sexual and domestic violence organizations that received such				
47	funds in year two of the cooperative agreement. If however, the Centers for Disease				
48	Control does not approve or limits the cooperative agreement funding that can be awarded				
49	to these organizations, then the department shall make grants, notwithstanding any other				
50	provision of law, from the Virginia Sexual and Domestic Violence Prevention Fund in an				
51	amount the first year or the second year to ensure the same level of funding the				
52	organizations received in federal RPE funds in year two of the cooperative agreement. <i>The</i>				
53	<i>provisions of this subsection shall sunset effective June 30, 2022.</i>				
54	I. Out of this appropriation, \$305,000 the first year and \$805,000 the second year from the				

ITEM 301.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	general fund is provided for a comprehensive adult program for sickle cell disease.				
2	302. Not set out.				
3	303. Not set out.				
4	304. Drinking Water Improvement (50800).....			\$33,122,627	\$33,898,623
5					\$34,381,023
6	Drinking Water Regulation (50801).....	\$10,608,553	\$10,884,549		
7	Drinking Water Construction Financing (50802).....	\$22,046,134	<del>\$22,546,134</del>		
8			\$23,028,534		
9	Public Health Toxicology (50805).....	\$467,940	\$467,940		
10	Fund Sources: General.....	\$4,928,849	<del>\$5,204,845</del>		
11			\$5,687,245		
12	Special.....	\$6,131,045	\$6,131,045		
13	Dedicated Special Revenue.....	\$18,903,934	\$19,403,934		
14	Federal Trust.....	\$3,158,799	\$3,158,799		
15	Authority: §§ 32.1-163 through 32.1-176.7, 32.1-246, 32.1-246.1, and 62.1-44.18 through				
16	62.1-44.19:9, Code of Virginia; and P.L. 92-500, P.L. 93-523 and P.L. 95-217, Federal Code.				
17	A. It is the intent of the General Assembly that the Department of Health be the agency				
18	designated to receive and manage general and nongeneral funds appropriated pursuant to the				
19	federal Safe Drinking Water Act of 1996.				
20	B. The fee schedule for charges to community waterworks shall be adjusted to the level				
21	necessary to cover the cost of operating the Waterworks Technical Assistance Program,				
22	consistent with § 32.1-171.1, Code of Virginia, and shall not exceed \$3.00 per connection to				
23	all community waterworks.				
24	C. Any positions necessary for the Office of Drinking Water to perform regulatory functions				
25	in dispersing federal State and Local Recovery Funds (SLRF) pursuant to the American				
26	Rescue Plan Act of 2021 (ARPA) for drinking water infrastructure shall be restricted				
27	positions and shall expire at the end of the grant period.				
28	305. Not set out.				
29	306. Emergency Preparedness (77500).....			\$34,333,979	\$34,333,979
30					\$37,633,979
31	Emergency Preparedness and Response (77504).....	\$34,333,979	<del>\$34,333,979</del>		
32			\$37,633,979		
33	Fund Sources: <i>General</i> .....	\$0	\$3,300,000		
34	Federal Trust.....	\$34,333,979	\$34,333,979		
35	Authority: §§ 32.1-2, 32.1-39, and 32.1-42, Code of Virginia.				
36	307. Not set out.				
37	307.10 Not set out.				
38	Total for Department of Health.....			\$797,225,161	\$929,696,654
39					\$933,479,054
40	General Fund Positions.....	1,513.50	1,571.50		
41	Nongeneral Fund Positions.....	2,198.00	<del>2,228.00</del>		
42			2,239.00		
43	Position Level.....	3,711.50	<del>3,799.50</del>		
44			3,810.50		
45	Fund Sources: General.....	\$192,953,062	<del>\$208,119,838</del>		
46			\$211,902,238		
47	Special.....	\$169,842,442	\$170,553,922		
48	Dedicated Special Revenue.....	\$116,052,192	\$116,052,192		



ITEM 307.10.	Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Federal Trust.....	\$318,377,465	\$434,970,702		
2	308. Not set out.				
3	309. Not set out.				
4	<b>§ 1-19. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)</b>				
5	310. Not set out.				
6	311. Not set out.				
7	312. Children's Health Insurance Program Delivery				
8	(44600).....			\$229,304,933	<del>\$282,255,323</del>
9					\$271,720,435
10	Reimbursements for Medical Services Provided				
11	Under the Family Access to Medical Insurance				
12	Security Plan (44602).....	\$229,304,933	<del>\$282,255,323</del>		
13			\$271,720,435		
14	Fund Sources: General.....	\$48,582,983	<del>\$77,642,193</del>		
15			\$69,912,009		
16	Dedicated Special Revenue.....	\$14,065,627	\$14,065,627		
17	Federal Trust.....	\$166,656,323	<del>\$190,547,503</del>		
18			\$187,742,799		
19	Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act,				
20	Federal Code.				
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				
24	from eligible contracts and (ii) the amount of license tax revenue generated pursuant to				
25	subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the				
26	Comptroller of the Commonwealth to transfer such amounts to the Family Access to				
27	Medical Insurance Security Plan Trust Fund as established on the books of the State				
28	Comptroller.				
29	B. As a condition of this appropriation, revenues from the Family Access to Medical				
30	Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's				
31	Health Insurance Program.				
32	C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13,				
33	Code of Virginia, shall be enrolled and served in the program.				
34	D. To the extent that appropriations in this Item are insufficient, the Department of				
35	Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid				
36	Program Services (45600) and Medical Assistance Services for Low Income Children				
37	(46600), if available, into this Item to be used as state match for federal Title XXI funds.				
38	E. The Department of Medical Assistance Services shall make the monthly capitation				
39	payment to managed care organizations for the member months of each month in the first				
40	week of the subsequent month.				
41	F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the				
42	application thereof is declared by the United States Department of Health and Human				
43	Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal				
44	law or regulation, such decisions shall not affect the validity of the remaining portions of				
45	this Item, which shall remain in force as if this Item had passed without the conflicting				
46	part, section, subsection, paragraph, clause, or phrase. Further, if the United States				
47	Department of Health and Human Services or the Centers for Medicare and Medicaid				
48	Services determines that the process for accomplishing the intent of a part, section,				
49	subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict				
50	with federal law and regulation and recommends another method of accomplishing the				

ITEM 312.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	same intent, the Director, Department of Medical Assistance Services, after consultation with			
2	the Attorney General, is authorized to pursue the alternative method.			
3	G. The Department of Medical Assistance Services shall seek federal authority through			
4	waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to			
5	offer medically necessary treatment for substance use disorder in an Institution for Mental			
6	Diseases (IMD) for individuals enrolled in FAMIS MOMS, equivalent to such benefits			
7	offered to pregnant women under the Medicaid state plan and 1115 substance use disorder			
8	demonstration waiver. The department shall have the authority to promulgate emergency			
9	regulations to implement these amendments within 280 days or less from the enactment of			
10	this Act.			
11	H. The Department of Medical Assistance Services shall amend the Virginia Family Access			
12	to Medical Insurance Security (FAMIS) State Plan to allow the payment for prenatal care for			
13	all children regardless of the expectant mother's status, pursuant to provisions in Title XXI			
14	of the federal 2009 CHIP Reauthorization Act that includes care of all children who upon birth			
15	will be U.S. citizens, U.S. nationals, or qualified aliens. The Department shall have the			
16	authority to implement this change effective July 1, 2021, or consistent with the effective date			
17	in the State Plan Amendment approved by the Centers for Medicare and Medicaid Services			
18	(CMS), and prior to completion of any regulatory process.			
19	313.	Medicaid Program Services (45600).....		\$16,296,817,318
20				<del>\$17,716,819,641</del>
21		Payments for Graduate Medical Education		\$18,170,277,935
22		Residencies (45606).....	\$6,200,000	\$7,700,000
23		Reimbursements to State-Owned Mental Health and		
24		Intellectual Disabilities Facilities (45607).....	\$74,417,827	\$57,410,714
25		Reimbursements for Behavioral Health Services		
26		(45608).....	\$43,736,183	<del>\$56,141,152</del>
27				\$42,682,369
28		Reimbursements for Medical Services (45609).....	\$10,173,289,793	<del>\$10,673,045,695</del>
29				\$10,655,303,621
30		Reimbursements for Long-Term Care Services		
31		(45610).....	\$1,535,198,255	<del>\$1,937,756,017</del>
32				\$1,961,137,435
33		Payments for Healthcare Coverage for Low-Income		
34		Uninsured Adults (45611).....	\$4,463,975,260	<del>\$4,984,766,063</del>
35				\$5,446,043,796
36		Fund Sources: General.....	\$4,343,953,280	<del>\$5,299,837,047</del>
37				\$4,525,673,221
38		Dedicated Special Revenue.....	\$1,395,490,789	<del>\$1,459,083,712</del>
39				\$1,539,812,947
40		Federal Trust.....	\$10,557,373,249	<del>\$10,957,898,882</del>
41				\$12,104,791,767
42	Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title			
43	XIX, Social Security Act, Federal Code.			
44	A. Out of this appropriation, \$32,942,430 the first year and \$26,925,625 the second year from			
45	the general fund and \$41,428,799 the first year and \$30,485,089 the second year from the			
46	federal trust fund is provided for reimbursement to the institutions within the Department of			
47	Behavioral Health and Developmental Services.			
48	B.1. Included in this appropriation is \$6,199,648 the first year and \$8,497,374 the second year			
49	from the general fund and \$25,388,407 the first year and \$27,686,133 the second year from			
50	nongeneral funds to reimburse the Virginia Commonwealth University Health System for			
51	indigent health care costs as reported by the hospital and adjusted by the department for			
52	indigent care savings related to Medicaid expansion. This funding is composed of			
53	disproportionate share hospital (DSH) payments, indirect medical education (IME) payments,			
54	and any Medicaid profits realized by the Health System. Payments made from the federal			
55	DSH fund shall be made in accordance with 42 USC 1396r-4.			
56	2. Included in this appropriation is \$15,281,075 the first year and \$16,408,501 the second year			
57	from the general fund and \$29,995,853 the first year and \$31,123,279 the second year from			

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1	nongeneral funds to reimburse the University of Virginia Health System for indigent			
2	health care costs as reported by the hospital and adjusted by the department for indigent			
3	care savings related to Medicaid expansion. This funding is comprised of disproportionate			
4	share hospital (DSH) payments, indirect medical education (IME) payments, and any			
5	Medicaid profits realized by the Health System. Payments made from the federal DSH			
6	fund shall be made in accordance with 42 USC 1396r-4.			
7	3. The general fund amounts for the state teaching hospitals have been reduced to mirror			
8	the general fund impact of reduced and no inflation for inpatient services in prior years. It			
9	also includes reductions associated with prior year indigent care reductions. However, the			
10	nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of			
11	the amount of the general fund appropriated, the health systems shall certify the public			
12	expenditures.			
13	4. The Department of Medical Assistance Service shall have the authority to increase			
14	Medicaid payments for Type One hospitals and physicians consistent with the			
15	appropriations to compensate for limits on disproportionate share hospital (DSH)			
16	payments to Type One hospitals that the department would otherwise make. In particular,			
17	the department shall have the authority to amend the State Plan for Medical Assistance to			
18	increase physician supplemental payments for physician practice plans affiliated with			
19	Type One hospitals up to the average commercial rate as demonstrated by University of			
20	Virginia Health System and Virginia Commonwealth University Health System, to change			
21	reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to			
22	case mix adjust the formula for indirect medical education reimbursement for HMO			
23	discharges for Type One hospitals and to increase the adjustment factor for Type One			
24	hospitals to 1.0. The department shall have the authority to implement these changes prior			
25	to completion of any regulatory process undertaken in order to effect such change.			
26	C.1. The estimated revenue for the Virginia Health Care Fund is \$567,403,148 the first			
27	year and <del>\$496,601,500</del> \$629,360,327 the second year, to be used pursuant to the uses			
28	stated in § 32.1-367, Code of Virginia.			
29	2. Notwithstanding any other provision of law, revenues deposited to the Virginia Health			
30	Care Fund shall only be used as the state share of Medicaid unless specifically authorized			
31	by this Act.			
32	3. Notwithstanding § 32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5			
33	percent of the Commonwealth's allocation of the Master Settlement Agreement with			
34	tobacco product manufacturers, as defined in § 3.2-3100, Code of Virginia, to the Virginia			
35	Health Care Fund.			
36	4. Any repayment by managed care organizations resulting from exceeding their profit			
37	caps for not meeting the medical loss ratios pursuant to their contracts with the			
38	Department of Medical Assistance Services, shall be deposited to the Health Care Fund.			
39	D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the			
40	application thereof is declared by the United States Department of Health and Human			
41	Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal			
42	law or regulation, such decisions shall not affect the validity of the remaining portions of			
43	this Item, which shall remain in force as if this Item had passed without the conflicting			
44	part, section, subsection, paragraph, clause, or phrase. Further, if the United States			
45	Department of Health and Human Services or the Centers for Medicare and Medicaid			
46	Services determines that the process for accomplishing the intent of a part, section,			
47	subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict			
48	with federal law and regulation and recommends another method of accomplishing the			
49	same intent, the Director, Department of Medical Assistance Services, after consultation			
50	with the Attorney General, is authorized to pursue the alternative method.			
51	E.1. At least 45 days prior to the submission of any state plan or waiver amendment or			
52	renewal of such, to the Centers for Medicare and Medicaid Services (CMS) or change in			
53	the contracts with managed care organizations that may impact the capitation rates, the			
54	Department of Medical Assistance Services (DMAS) shall provide written notification to			
55	the Director, Department of Planning and Budget as to the purpose of such change. This			
56	notice shall also assess whether the amendment will require any future state regulatory			

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1	action or expenditure beyond that which is appropriated in this Act. If the Department of				
2	Planning and Budget, after review of the proposed change, determines that it may likely result				
3	in a material fiscal impact on the general fund, for which no legislative appropriation has been				
4	provided, then the Department of Medical Assistance Services shall delay the proposed				
5	change until the General Assembly authorizes such action and notify the Chairs of the House				
6	Appropriations and Senate Finance and Appropriations Committees of such action.				
7	2. Effective July 1, 2020, the Department of Medical Assistance Services shall have the				
8	authority to include the following modifications to the Commonwealth Coordinated Care Plus				
9	and Medallion 4.0 contracts:				
10	a) Expand care coordination for adoption assistance members;				
11	b) Require that all foster care children receive a physician and dental visit within the first 30				
12	days of plan enrollment;				
13	d) Require Patient Utilization Management and Safety (PUMS) Program "lock-in" re-				
14	evaluations for members changing plans;				
15	g) Develop strategies to keep mom and baby together during residential SUD treatment;				
16	l) Waive the signature requirement for non-emergency transportation providers;				
17	m) Establish payment targets for the total portion of medical spending covered under a value				
18	based payment arrangement; and				
19	n) Require CCC Plus plans to upgrade Medicare Dual Special Needs Plans (D-SNPs) to				
20	Medicare Fully Integrated Dual Eligible Special Needs Plans (FIDE-SNPS).				
21	3. Effective July 1, 2020, the Department of Medical Assistance Services shall amend its CCC				
22	Plus and Medallion 4.0 contracts with managed care organizations (MCOs) to include the				
23	following provisions related to community mental health and rehabilitation services:				
24	a) Clarify that required response times are based on calendar days, not business days.				
25	b) Require that, in any case where a service authorization or reauthorization for community				
26	mental health and rehabilitation services, is not approved or denied within the National				
27	Committee for Quality Assurance (NCQA) response time standard, the provider shall assume				
28	to have approval to provide the service and receive payment until date of denial.				
29	c) Clarify response time requirements for weekends and holidays, to the extent that they differ				
30	from the NCQA response time standards.				
31	d) Clarify how MCOs are to determine if a service authorization is considered urgent or non-				
32	urgent as it pertains to the NCQA response time standards.				
33	4. The department shall amend its contracts with managed care organizations to direct the				
34	MCOs to modify their contracts with providers to include the requirements from paragraphs a.				
35	through d. above.				
36	5. The department shall track and report on compliance with NCQA response time standards				
37	for each MCO, broken down by service type. Such tracking shall include: (i) How often total				
38	response time, from initial submittal until service authorization or denial, exceeds the NCQA				
39	standards; and (ii) How often appeals are filed, and of those, how often are services				
40	subsequently approved and how often they are denied. The department shall publish the data				
41	on these items on a quarterly basis to the department's website.				
42	6. In addition to the changes specified in E.2., DMAS shall have authority to include				
43	modifications to the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts as				
44	necessary to implement actions specifically authorized through language included in this Act.				
45	7. The department shall conduct an analysis and report on the costs and benefits to amending				
46	the Commonwealth Coordinated Care Plus and Medallion 4.0 contracts to combine any				
47	applicable medical loss ratios and underwriting gain provisions to ensure uniformity in the				
48	applicability of those provisions to the Joint Subcommittee for Health and Human Resources				
49	Oversight. The report shall be completed by November 15, 2020.				

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1	8. The Department of Medical Assistance Services shall develop a plan to merge the				
2	Commonwealth Coordinated Care Plus and Medallion 4.0 programs. The department shall				
3	submit the plan with a feasible timeline for such a merger to the Governor and the Chairs				
4	of the House Appropriations and Senate Finance and Appropriations Committees by				
5	November 15, 2020.				
6	9. The Department of Medical Assistance Services shall modify its contracts with				
7	managed care organizations to require annual reporting with regard to Medicaid				
8	Community Mental Health Rehabilitation Services on: (i) the number of providers in their				
9	network and their geographic locations; (ii) the total number of provider terminations by				
10	year since fiscal year 2018 and the number terminated with and without cause; (iii) the				
11	localities the terminated providers served; and (iv) the number of Medicaid members the				
12	providers were serving prior to termination of their provider contract. The department				
13	shall modify its contracts with the managed care organizations to require compliance with				
14	these provisions, effective July 1, 2021, such that the first reporting of this information by				
15	the managed care organizations shall be submitted by September 1, 2021. The department				
16	shall report the data annually, not later than November 1, to the Joint Subcommittee for				
17	Health and Human Resources Oversight.				
18	F.1. The Director, Department of Medical Assistance Services shall seek the necessary				
19	waivers from the United States Department of Health and Human Services to authorize the				
20	Commonwealth to cover health care services and delivery systems, as may be permitted				
21	by Title XIX of the Social Security Act, which may provide less expensive alternatives to				
22	the State Plan for Medical Assistance.				
23	2. At least 30 days prior to the submission of an application for any new waiver of Title				
24	XIX or Title XXI of the Social Security Act, the Department of Medical Assistance				
25	Services shall notify the Chairmen of the House Appropriations and Senate Finance				
26	Committees of such pending application and provide information on the purpose and				
27	justification for the waiver along with any fiscal impact. If the department receives an				
28	official letter from either Chairmen raising an objection about the waiver during the 30-				
29	day period, the department shall not submit the waiver application and shall request				
30	authority for such waiver as part of the normal legislative or budgetary process. If the				
31	department receives no objection, then the application may be submitted. Any waiver				
32	specifically authorized elsewhere in this Item is not subject to this provision. Waiver				
33	renewals are not subject to the provisions of this paragraph.				
34	3. The director shall promulgate such regulations as may be necessary to implement those				
35	programs which may be permitted by Titles XIX and XXI of the Social Security Act, in				
36	conformance with all requirements of the Administrative Process Act.				
37	G. To the extent that appropriations in this Item are insufficient, the Department of				
38	Planning and Budget shall transfer general fund appropriation, as needed, from Children's				
39	Health Insurance Program Delivery (44600) and Medical Assistance Services for Low				
40	Income Children (46600), if available, into this Item to be used as state match for federal				
41	Title XIX funds.				
42	H. Notwithstanding any other provision of law, any unexpended general fund				
43	appropriation remaining in this Item on the last day of each fiscal year shall revert to the				
44	general fund and shall not be reappropriated in the following fiscal year.				
45	I. It is the intent of the General Assembly that the medically needy income limits for the				
46	Medicaid program are adjusted annually to account for changes in the Consumer Price				
47	Index.				
48	J.1.a. As of July 1, 2019, the Community Living (CL) waiver authorizes 11,736 slots.				
49	b. As of July 1, 2019, the Family and Individuals Support (FIS) waiver authorizes 2,983				
50	slots.				
51	c. As of July 1, 2019, the Building Independence (BI) waiver authorizes 400 slots.				
52	2. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and				
53	§32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall				

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1	not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family			
2	Developmental Disabilities and Support Medicaid Waiver other than those slots authorized			
3	specifically to support the Money Follows the Person Demonstration, individuals who are			
4	exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011			
5	Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this			
6	Act.			
7	3. Upon approval by the Centers for Medicare and Medicaid Services of the application for			
8	renewal of the CL, FIS and BI waivers, expeditious implementation of any revisions shall be			
9	deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act.			
10	Therefore, to meet this emergency situation, the Department of Medical Assistance Services			
11	shall promulgate emergency regulations to implement the provisions of this Act.			
12	4.a. The Department of Medical Assistance Services (DMAS) shall amend the CL waiver to			
13	add 145 new slots effective July 1, 2020 and an additional 95 slots effective July 1, 2021. An			
14	amount estimated at \$5,653,333 the first year and \$9,357,240 the second year from the			
15	general fund and \$5,653,333 the first year and \$9,357,240 the second year from nongeneral			
16	funds is provided to cover the anticipated costs of the new slots. These estimated amounts			
17	assume that 20 of the additional slots in each year may be filled with individuals transitioning			
18	from facility care. DMAS shall seek federal approval for necessary changes to the CL waiver			
19	to add the additional slots.			
20	b. The Department of Medical Assistance Services (DMAS) shall amend the FIS waiver to			
21	add 640 new slots effective July 1, 2020 and an additional 890 slots effective July 1, 2021. An			
22	amount estimated at \$10,581,760 the first year and \$25,143,816 the second year from the			
23	general fund and \$10,581,760 the first year and \$25,143,816 the second year from nongeneral			
24	funds is provided to cover the anticipated costs of the new slots. These estimated amounts			
25	assumes that five of the additional slots in each year may be filled with individuals			
26	transitioning from facility care. DMAS shall seek federal approval for necessary changes to			
27	the FIS waiver to add the additional slots.			
28	c. In addition to the new slots added in 4.a. and b., the Department of Medical Assistance			
29	Services (DMAS) shall amend the CL waiver to add 15 new slots effective July 1, 2020 and			
30	an additional 15 slots effective July 1, 2021. The Department of Medical Assistance Services			
31	(DMAS) shall amend the FIS waiver to add 10 new slots effective July 1, 2020 and an			
32	additional 10 slots effective July 1, 2021. These slots shall be held as reserve capacity by the			
33	Department of Behavioral Health and Developmental Services (DBHDS) to address			
34	emergency situations. An amount estimated at \$750,168 the first year and \$1,500,335 the			
35	second year from the general fund and \$750,168 the first year and \$1,500,335 the second year			
36	from nongeneral funds is provided to cover the anticipated costs of the emergency slots.			
37	DMAS shall seek federal approval for necessary changes to the CL and FIS waivers to add			
38	the additional slots. Beginning July 1, 2018, DBHDS shall provide a quarterly report on the			
39	use of the emergency slots provided in this paragraph.			
40	d. The Department of Medical Assistance Services, in collaboration with the Department of			
41	Behavioral Health and Developmental Services, shall separately track all costs, placements			
42	and services associated with the additional slots added in paragraphs J.4.a., J.4.b., and J.4.c.			
43	above. By October 1 of each year, the department shall report this data to the Chairmen of the			
44	House Appropriations and Senate Finance Committees and the Director, Department of			
45	Planning and Budget.			
46	K. The Department of Medical Assistance Services and the Virginia Department of Health			
47	shall work with representatives of the dental community: to expand the availability and			
48	delivery of dental services to pediatric Medicaid recipients; to streamline the administrative			
49	processes; and to remove impediments to the efficient delivery of dental services and			
50	reimbursement thereof. The Department of Medical Assistance Services shall report its efforts			
51	to expand dental services to the Chairmen of the House Appropriations and Senate Finance			
52	Committees and the Director, Department of Planning and Budget by December 15 each year.			
53	L. The Department of Medical Assistance Services shall not require dentists who agree to			
54	participate in the delivery of Medicaid pediatric dental care services, or services provided to			
55	enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation			
56	of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the			
57	managed care vendor, unless the dentist is a willing participant in the commercial managed			

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1	care plan.				
2	M.1. The Department of Medical Assistance Services shall implement continued				
3	enhancements to the drug utilization review (DUR) program. The department shall				
4	continue the Pharmacy Liaison Committee and the DUR Board. The department shall				
5	continue to work with the Pharmacy Liaison Committee, meeting at least semi-annually,				
6	to implement initiatives for the promotion of cost-effective services delivery as may be				
7	appropriate. The department shall solicit input from the Pharmacy Liaison Committee				
8	regarding pharmacy provisions in the development and enforcement of all managed care				
9	contracts. The department shall report on the Pharmacy Liaison Committee's and the DUR				
10	Board's activities to the Board of Medical Assistance Services and to the Chairmen of the				
11	House Appropriations and Senate Finance Committees and the Department of Planning				
12	and Budget no later than December 15 each year of the biennium.				
13	2. The department shall add a representative to the Pharmacy Liaison Committee from the				
14	Virginia Community Healthcare Association to represent pharmacy operations and issues				
15	at federally qualified health centers in Virginia.				
16	N.1. The Department of Medical Assistance Services shall develop and pursue cost saving				
17	strategies internally and with the cooperation of the Department of Social Services,				
18	Virginia Department of Health, Office of the Attorney General, Children's Services Act				
19	program, Department of Education, Department of Juvenile Justice, Department of				
20	Behavioral Health and Developmental Services, Department for Aging and Rehabilitative				
21	Services, Department of the Treasury, University of Virginia Health System, Virginia				
22	Commonwealth University Health System Authority, Department of Corrections,				
23	federally qualified health centers, local health departments, local school divisions,				
24	community service boards, local hospitals, and local governments, that focus on				
25	optimizing Medicaid claims and cost recoveries. Any revenues generated through these				
26	activities shall be transferred to the Virginia Health Care Fund to be used for the purposes				
27	specified in this Item.				
28	2. The Department of Medical Assistance Services shall retain the savings necessary to				
29	reimburse a vendor for its efforts to implement paragraph N.1. of this Item. However,				
30	prior to reimbursement, the department shall identify for the Secretary of Health and				
31	Human Resources each of the vendor's revenue maximization efforts and the manner in				
32	which each vendor would be reimbursed. No reimbursement shall be made to the vendor				
33	without the prior approval of the above plan by the Secretary.				
34	O. The Department of Medical Assistance Services shall have the authority to pay				
35	contingency fee contractors, engaged in cost recovery activities, from the recoveries that				
36	are generated by those activities. All recoveries from these contractors shall be deposited				
37	to a special fund. After payment of the contingency fee any prior year recoveries shall be				
38	transferred to the Virginia Health Care Fund. The Director, Department of Medical				
39	Assistance Services, shall report to the Chairmen of the House Appropriations and Senate				
40	Finance Committees the increase in recoveries associated with this program as well as the				
41	areas of audit targeted by contractors by November 1 each year.				
42	P. The Department of Medical Assistance Services in cooperation with the State Executive				
43	Council, shall provide semi-annual training to local Children's Services Act teams on the				
44	procedures for use of Medicaid for residential treatment and treatment foster care services,				
45	including, but not limited to, procedures for determining eligibility, billing,				
46	reimbursement, and related reporting requirements. The department shall include in this				
47	training information on the proper utilization of inpatient and outpatient mental health				
48	services as covered by the Medicaid State Plan.				
49	Q.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical				
50	Assistance Services, in consultation with the Department of Behavioral Health and				
51	Developmental Services, shall amend the State Plan for Medical Assistance Services to				
52	modify the delivery system of pharmaceutical products to include a Preferred Drug List.				
53	In developing the modifications, the department shall consider input from physicians,				
54	pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.				
55	2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the				
56	development and ongoing administration of the Preferred Drug List program. The				

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1	Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the				
2	Commissioner, Department of Behavioral Health and Developmental Services, or his				
3	designee. Other members shall be selected or approved by the department. The membership				
4	shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at				
5	least one-half of the physicians and pharmacists are either direct providers or are employed				
6	with organizations that serve recipients for all segments of the Medicaid population.				
7	Physicians on the committee shall be licensed in Virginia, one of whom shall be a				
8	psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee				
9	shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs,				
10	and one of whom has clinical expertise in community-based mental health treatment. The				
11	Pharmacy and Therapeutics Committee shall recommend to the department (i) which				
12	therapeutic classes of drugs should be subject to the Preferred Drug List program and prior				
13	authorization requirements; (ii) specific drugs within each therapeutic class to be included on				
14	the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-				
15	psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders,				
16	schizophrenia, and depression; (iv) appropriate exclusions for medications used for the				
17	treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for				
18	therapeutic classes in which there is only one drug in the therapeutic class or there is very low				
19	utilization, or for which it is not cost-effective to include in the Preferred Drug List program;				
20	and (vi) appropriate grandfather clauses when prior authorization would interfere with				
21	established complex drug regimens that have proven to be clinically effective. In developing				
22	and maintaining the preferred drug list, the cost effectiveness of any given drug shall be				
23	considered only after it is determined to be safe and clinically effective.				
24	b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually				
25	and may meet at other times at the discretion of the chairperson and members. At the				
26	meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject				
27	to the Preferred Drug List that is newly approved by the Federal Food and Drug				
28	Administration, provided there is at least thirty (30) days notice of such approval prior to the				
29	date of the quarterly meeting.				
30	3. The department shall establish a process for acting on the recommendations made by the				
31	Pharmacy and Therapeutics Committee, including documentation of any decisions which				
32	deviate from the recommendations of the committee.				
33	4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-				
34	hour emergency supply of the prescribed drug when requested by a physician and a				
35	dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to				
36	be made within 24 hours and timely notification of the recipient and/or the prescribing				
37	physician of any delays or negative decisions; (iii) an expedited review process of denials by				
38	the department; and (iv) consumer and provider education, training and information regarding				
39	the Preferred Drug List prior to implementation, and ongoing communications to include				
40	computer access to information and multilingual material.				
41	5. The Preferred Drug List program shall generate savings as determined by the department				
42	that are net of any administrative expenses to implement and administer the program.				
43	6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the				
44	Department of Medical Assistance Services shall promulgate emergency regulations to				
45	become effective within 280 days or less from the enactment of this Act. With respect to such				
46	state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of				
47	Virginia, shall not apply. In addition, the department shall work with the Department of				
48	Behavioral Health and Development Services to consider utilizing a Preferred Drug List				
49	program for its non-Medicaid clients.				
50	7. The Department of Medical Assistance Services shall (i) continually review utilization of				
51	behavioral health medications under the State Medicaid Program for Medicaid recipients; and				
52	(ii) ensure appropriate use of these medications according to federal Food and Drug				
53	Administration (FDA) approved indications and dosage levels. The department may also				
54	require retrospective clinical justification according to FDA approved indications and dosage				
55	levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals				
56	18 years of age and younger who are prescribed three or more behavioral health drugs, the				
57	department may implement clinical edits that target inefficient, ineffective, or potentially				



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1	harmful prescribing patterns in accordance with FDA-approved indications and dosage				
2	levels.				
3	8. The Department of Medical Assistance Services shall ensure that in the process of				
4	developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers				
5	the value of including those prescription medications which improve drug regimen				
6	compliance, reduce medication errors, or decrease medication abuse through the use of				
7	medication delivery systems that include, but are not limited to, transdermal and injectable				
8	delivery systems.				
9	R.1. The Department of Medical Assistance Services may amend the State Plan for				
10	Medical Assistance Services to modify the delivery system of pharmaceutical products to				
11	include a specialty drug program. In developing the modifications, the department shall				
12	consider input from physicians, pharmacists, pharmaceutical manufacturers, patient				
13	advocates, the Pharmacy Liaison Committee, and others as appropriate.				
14	2. In developing the specialty drug program to implement appropriate care management				
15	and control drug expenditures, the department shall contract with a vendor who will				
16	develop a methodology for the reimbursement and utilization through appropriate case				
17	management of specialty drugs and distribute the list of specialty drug rates, authorized				
18	drugs and utilization guidelines to medical and pharmacy providers in a timely manner				
19	prior to the implementation of the specialty drug program and publish the same on the				
20	department's website.				
21	3. In the event that the Department of Medical Assistance Services contracts with a				
22	vendor, the department shall establish the fee paid to any such contractor based on the				
23	reasonable cost of services provided. The department may not offer or pay directly or				
24	indirectly any material inducement, bonus, or other financial incentive to a program				
25	contractor based on the denial or administrative delay of medically appropriate				
26	prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or				
27	a reduction in the proportion of beneficiaries who receive prescription drug therapy under				
28	the Medicaid program. Bonuses cannot be based on the percentage of cost savings				
29	generated under the benefit management of services.				
30	4. The department shall: (i) review, update and publish the list of authorized specialty				
31	drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a				
32	procedure to revise the list or modify specialty drug program utilization guidelines and				
33	rates, consistent with changes in the marketplace; and (iii) provide an administrative				
34	appeals procedure to allow dispensing or prescribing provider to contest the listed				
35	specialty drugs and rates.				
36	5. The department shall have authority to enact emergency regulations under § 2.2-4011 of				
37	the Administrative Process Act to effect these provisions.				
38	S.1. The Department of Medical Assistance Services shall reimburse school divisions who				
39	sign an agreement to provide administrative support to the Medicaid program and who				
40	provide documentation of administrative expenses related to the Medicaid program 50				
41	percent of the Federal Financial Participation by the department.				
42	2. The Department of Medical Assistance Services shall retain five percent of the Federal				
43	Financial Participation for reimbursement to school divisions for medical and				
44	transportation services.				
45	T. In the event that the Department of Medical Assistance Services decides to contract for				
46	pharmaceutical benefit management services to administer, develop, manage, or				
47	implement Medicaid pharmacy benefits, the department shall establish the fee paid to any				
48	such contractor based on the reasonable cost of services provided. The department may				
49	not offer or pay directly or indirectly any material inducement, bonus, or other financial				
50	incentive to a program contractor based on the denial or administrative delay of medically				
51	appropriate prescription drug therapy, or on the decreased use of a particular drug or class				
52	of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug				
53	therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost				
54	savings generated under the benefit management of services.				

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1	U. The Department of Medical Assistance Services, in cooperation with the Department of			
2	Social Services' Division of Child Support Enforcement (DSCE), shall identify and report			
3	third party coverage where a medical support order has required a custodial or noncustodial			
4	parent to enroll a child in a health insurance plan. The Department of Medical Assistance			
5	Services shall also report to the DCSE third party information that has been identified through			
6	their third party identification processes for children handled by DCSE.			
7	V.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying			
8	that an overpayment for medical assistance services has been made to a provider, the Director,			
9	Department of Medical Assistance Services shall notify the provider of the amount of the			
10	overpayment. Such notification of overpayment shall be issued within the earlier of (i) four			
11	years after payment of the claim or other payment request, or (ii) four years after filing by the			
12	provider of the complete cost report as defined in the Department of Medical Assistance			
13	Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost			
14	report as defined in the Department of Medical Assistance Services' regulations subsequent to			
15	sale of the facility or termination of the provider.			
16	2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue			
17	an informal fact-finding conference decision concerning provider reimbursement in			
18	accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of			
19	Virginia, and applicable federal law. The informal fact-finding conference decision shall be			
20	issued within 180 days of the receipt of the appeal request, except as provided herein. If the			
21	agency does not render an informal fact-finding conference decision within 180 days of the			
22	receipt of the appeal request or, in the case of a joint agreement to stay the appeal decision as			
23	detailed below, within the time remaining after the stay expires and the appeal timeframes			
24	resume, the decision is deemed to be in favor of the provider. An appeal of the director's			
25	informal fact-finding conference decision concerning provider reimbursement shall be heard			
26	in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the			
27	State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. The			
28	Department of Medical Assistance Services and the provider may jointly agree to stay the			
29	deadline for the informal appeal decision or for the formal appeal recommended decision of			
30	the Hearing Officer for a period of up to sixty (60) days to facilitate settlement discussions. If			
31	the parties reach a resolution as reflected by a written settlement agreement within the sixty-			
32	day period, then the stay shall be extended for such additional time as may be necessary for			
33	review and approval of the settlement agreement in accordance § 2.2-514 of the Code of			
34	Virginia. Once a final agency case decision has been made, the director shall undertake full			
35	recovery of such overpayment whether or not the provider disputes, in whole or in part, the			
36	informal fact-finding conference decision or the final agency case decision. Interest charges			
37	on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of			
38	Virginia, from the date the Director's agency case decision becomes final.			
39	W. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in			
40	42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural			
41	hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.			
42	X.1. The Department of Medical Assistance Services shall make programmatic changes in the			
43	provision of Intensive In-Home services and Community Mental Health services in order to			
44	ensure appropriate utilization and cost efficiency. The department shall consider all available			
45	options including, but not limited to, prior authorization, utilization review and provider			
46	qualifications. The Department of Medical Assistance Services shall promulgate regulations			
47	to implement these changes within 280 days or less from the enactment date of this Act.			
48	2. The Department of Medical Assistance Services shall have the authority to implement prior			
49	authorization and utilization review for community-based mental health services for children			
50	and adults. The department shall have the authority to promulgate emergency regulations to			
51	implement this amendment within 280 days or less from the enactment of this Act.			
52	Y. The Department of Medical Assistance Services shall delay the last quarterly payment of			
53	certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first			
54	quarter of the following year. Quarterly payments that shall be delayed from each June to			
55	each July shall be Disproportionate Share Hospital payments, Indirect Medical Education			
56	payments, and Direct Medical Education payments. The department shall have the authority			
57	to implement this reimbursement change effective upon passage of this Act, and prior to the			

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1	completion of any regulatory process undertaken in order to effect such change.			
2	Z. The Department of Medical Assistance Services shall make the monthly capitation			
3	payment to managed care organizations for the member months of each month in the first			
4	week of the subsequent month. The department shall have the authority to implement this			
5	reimbursement schedule change effective upon passage of this Act, and prior to the			
6	completion of any regulatory process undertaken in order to effect such change.			
7	AA. In every June the remittance that would normally be paid to providers on the last			
8	remittance date of the state fiscal year shall be delayed one week longer than is normally			
9	the practice. This change shall apply to the remittances of Medicaid and FAMIS providers.			
10	This change does not apply to providers who are paid a per-month capitation payment.			
11	The department shall have the authority to implement this reimbursement change effective			
12	upon passage of this Act, and prior to the completion of any regulatory process undertaken			
13	in order to effect such change.			
14	BB. The Department of Medical Assistance Services shall impose an assessment equal to			
15	6.0 percent of revenue on all ICF-ID providers. The department shall determine			
16	procedures for collecting the assessment, including penalties for non-compliance. The			
17	department shall have the authority to adjust interim rates to cover new Medicaid costs as			
18	a result of this assessment.			
19	CC. Effective July 1, 2021, the Department of Medical Assistance Services shall amend			
20	the State Plan for Medical Assistance to revise per diem rates paid to Virginia-based			
21	psychiatric residential treatment facilities using the provider's audited cost per day from			
22	the facility's cost report for provider fiscal years ending in state fiscal year 2018. New			
23	Virginia-based residential psychiatric facilities must submit proforma cost report data,			
24	which will be used to set the initial per diem rate for up to two years. After this period, the			
25	department shall establish a per diem rate based on an audited cost report for a 12-month			
26	period within the first two years of operation. Virginia-based residential psychiatric			
27	facilities that do not submit cost reports shall be paid at 75 percent of the established rate			
28	ceiling. If necessary to enroll out-of-state providers for network adequacy, the department			
29	shall negotiate rates. If there is sufficient utilization, the department may require out-of-			
30	state providers to submit a cost report to establish a per diem rate. In-state and out-of-state			
31	provider per diem rates shall be subject to a ceiling based on the statewide weighted			
32	average cost per day from fiscal year 2018 cost reports. The department shall have the			
33	authority to implement these changes effective July 1, 2021 and prior to the completion of			
34	any regulatory process undertaken in order to effect such change.			
35	DD. The Department of Medical Assistance Services shall work with the Department of			
36	Behavioral Health and Developmental Services in consultation with the Virginia			
37	Association of Community Services Boards, the Virginia Network of Private Providers,			
38	the Virginia Coalition of Private Provider Associations, and the Association of			
39	Community Based Providers, to establish rates for the Intensive In-Home Service based			
40	on quality indicators and standards, such as the use of evidence-based practices.			
41	EE.1. The Department of Medical Assistance Services shall seek federal authority through			
42	the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the			
43	Social Security Act to merge the Commonwealth Coordinated Care Plus and Medallion			
44	4.0 managed care programs, effective July 1, 2022, into a single, streamlined managed			
45	care program that links seamlessly with the fee-for-service program, ensuring an efficient			
46	and well-coordinated Virginia Medicaid delivery system that provides high-quality care to			
47	its members and adds value for providers and the Commonwealth. The department shall			
48	have authority to implement necessary changes upon federal approval and prior to the			
49	completion of any regulatory process undertaken in order to effect such change.			
50	2. The Department of Medical Assistance Services shall conduct an analysis of the impact			
51	of merging the separate Family Access to Medical Insurance Security (FAMIS) population			
52	into a single Children's Health Insurance Program children's eligibility group under			
53	Medicaid. Such analysis shall include the fiscal impact on medical and administrative			
54	costs to the agency, including any savings, the federal and state authorities that would			
55	need to be modified and processes needed to make such change, and a timeline for such			
56	process to occur. The department shall report the results of the analysis to the Chairs of the			
57	House Appropriations and Senate Finance and Appropriations Committees by November			

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1	1, 2021.				
2	3. The Department of Medical Assistance shall undertake a review of current contracts and				
3	staffing to determine the operational savings that would result from merging the				
4	Commonwealth Coordinated Care Plus and Medallion 4.0 managed care programs. The				
5	department shall report on its review of such administrative cost savings and merger-related				
6	costs by October 1, 2021 to the Department of Planning and Budget and the Chairs of the				
7	House Appropriations and Senate Finance and Appropriations Committees.				
8	FF. The Department of Medical Assistance Services shall make programmatic changes in the				
9	provision of Residential Treatment Facility (Level C) and Levels A and B residential services				
10	(group homes) for children with serious emotional disturbances in order ensure appropriate				
11	utilization and cost efficiency. The department shall consider all available options including,				
12	but not limited to, prior authorization, utilization review and provider qualifications. The				
13	department shall have authority to promulgate regulations to implement these changes within				
14	280 days or less from the enactment date of this Act.				
15	GG. The Department of Medical Assistance Services (DMAS) shall have the authority to				
16	amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing				
17	centers accredited by the Commission for the Accreditation of Birthing Centers.				
18	Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology				
19	applied in a manner similar to the reimbursement methodology for ambulatory surgery				
20	centers. The department shall have authority to implement necessary changes upon federal				
21	approval and prior to the completion of any regulatory process undertaken in order to effect				
22	such change.				
23	HH. The department may seek federal authority through amendments to the State Plans under				
24	Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop				
25	and implement programmatic and system changes that allow expedited enrollment of				
26	Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant				
27	women. The department shall have the authority to promulgate emergency regulations to				
28	implement this amendment within 280 days or less from the enactment date of this Act.				
29	II.1. The Department of Medical Assistance Services, related to appeals administered by and				
30	for the department, shall have authority to amend regulations to:				
31	i. Utilize the method of transmittal of documentation to include email, fax, courier, and				
32	electronic transmission.				
33	ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.				
34	iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case				
35	summary that do not relate to DMAS's obligation to substantively address all issues specified				
36	in the provider's written notice of informal appeal. A process shall be added, by which the				
37	provider shall file with the informal appeals agent within 12 calendar days of the provider's				
38	receipt of the DMAS case summary, a written notice that specifies any such alleged				
39	deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12				
40	calendar days after receipt of the provider's timely written notification to address or cure any				
41	of said alleged deficiencies. The current requirement that the case summary address each				
42	adjustment, patient, service date, or other disputed matter identified in the provider's written				
43	notice of informal appeal in the detail set forth in the current regulation shall remain in force				
44	and effect, and failure to file a written case summary with the Appeals Division in the detail				
45	specified within 30 days of the filing of the provider's written notice of informal appeal shall				
46	result in dismissal in favor of the provider on those issues not addressed by DMAS.				
47	iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or				
48	court order shall reset the timetable under DMAS' appeals regulations to start running from				
49	the date of the remand.				
50	v. Clarify the department's authority to administratively dismiss untimely filed appeal				
51	requests.				
52	vi. Clarify the time requirement for commencement of the formal administrative hearing.				
53	vii. Clarify that settlement proposals may be tendered during the appeal process and that				

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1	approval is subject to the requirements of § 2.2-514 of the Code of Virginia. The amended			
2	regulations shall develop a framework for the submission of the settlement proposal and			
3	state that the Department of Medical Assistance Services and the provider may jointly			
4	agree to stay the deadline for the informal appeal decision or for the formal appeal			
5	recommended decision of the Hearing Officer for a period of up to sixty (60) days to			
6	facilitate settlement discussions. If the parties reach a resolution as reflected by a written			
7	settlement agreement within the sixty-day period, then the stay shall be extended for such			
8	additional time as may be necessary for review and approval of the settlement agreement			
9	in accordance with law.			
10	2. The Department of Medical Assistance Services shall have authority to promulgate			
11	regulations to implement these changes within 280 days or less from the enactment date of			
12	this Act.			
13	JJ. It is the intent of the General Assembly that the implementation and administration of			
14	the care coordination contract for behavioral health services be conducted in a manner that			
15	insures system integrity and engages private providers in the independent assessment			
16	process. In addition, it is the intent that in the provision of services that ethical and			
17	professional conflicts are avoided and that sound clinical decisions are made in the best			
18	interests of the individuals receiving behavioral health services. As part of this process, the			
19	department shall monitor the performance of the contract to ensure that these principles			
20	are met and that stakeholders are involved in the assessment, approval, provision, and use			
21	of behavioral health services provided as a result of this contract.			
22	KK. The Department of Medical Assistance Services shall amend the State Plan for			
23	Medical Assistance to allow for delivery of notices of program reimbursement or other			
24	items referred to in the regulations related to provider appeals by electronic means			
25	consistent with the Uniform Electronic Transactions Act. The department shall implement			
26	this change effective July 1, 2013, and prior to completion of any regulatory process			
27	undertaken in order to effect such changes.			
28	LL. Effective July 1, 2017 through June 30, 2020, the Department of Medical Assistance			
29	Services shall amend the State Plan for Medical Assistance to pay nursing facilities			
30	located in the former Danville Metropolitan Statistical Area (MSA) the operating rates			
31	calculated for the Other MSA peer group. For purposes of calculating rates under the			
32	rebasings effective July 1, 2017, the department shall use the peer groups based on the			
33	existing regulations. For future rebasings, the department shall permanently move these			
34	facilities to the Other MSA peer group. The department shall have the authority to			
35	implement this reimbursement change effective July 1, 2017 and prior to completion of			
36	any regulatory process undertaken in order to effect such change.			
37	MM. The Department of Medical Assistance Services shall amend its State Plan under			
38	Title XIX of the Social Security Act to implement reasonable restrictions on the amount of			
39	incurred dental expenses allowed as a deduction from income for nursing facility			
40	residents. Such limitations shall include: (i) that routine exams and x-rays, and dental			
41	cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once			
42	every three years; and (iii) deductions for extractions and fillings shall be permitted only if			
43	medically necessary as determined by the department.			
44	NN. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia,			
45	and effective upon the availability of subsidized private health insurance offered through a			
46	Health Benefits Exchange in Virginia as articulated through the federal Patient Protection			
47	and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall			
48	eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS			
49	Moms program offerings to populations eligible for and enrolled in said subsidized			
50	coverage in order to remove disincentives for subsidized private healthcare coverage			
51	through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition			
52	from public coverage, DMAS shall endeavor to phase out such coverage for existing			
53	enrollees once subsidized private insurance is available through a Health Benefits			
54	Exchange in Virginia. The department shall implement any necessary changes upon			
55	federal approval and prior to the completion of any regulatory process undertaken in order			
56	to effect such change.			
57	OO. The Department of Medical Assistance Services shall have authority to amend the			

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1	State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and			
2	any waivers thereof, to implement requirements of the federal Patient Protection and			
3	Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP			
4	eligibility determination and case management standards and practices, including the			
5	Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority			
6	to implement such standards and practices upon federal approval and prior to the completion			
7	of any regulatory process undertaken in order to effect such change.			
8	PP. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a			
9	Medicaid Physician and Managed Care Liaison Committee including, but not limited to,			
10	representatives from the following organizations: the Virginia Academy of Family			
11	Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College			
12	of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia			
13	Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of			
14	Virginia; the Virginia Medical Group Management Association; and the Medical Society of			
15	Virginia. The committee shall also include representatives from each of the department's			
16	contracted managed care organizations and a representative from the Virginia Association of			
17	Health Plans. The committee will work with the department to investigate the implementation			
18	of quality, cost-effective health care initiatives, to identify means to increase provider			
19	participation in the Medicaid program, to remove administrative obstacles to quality, cost-			
20	effective patient care, and to address other matters as raised by the department or members of			
21	the committee. The Committee shall establish an Emergency Department Care Coordination			
22	work group comprised of representatives from the Committee, including the Virginia College			
23	of Emergency Physicians, the Medical Society of Virginia, the Virginia Hospital and			
24	Healthcare Association, the Virginia Academy of Family Physicians and the Virginia			
25	Association of Health Plans to review the following issues: (i) how to improve coordination			
26	of care across provider types of Medicaid "super utilizers"; (ii) the impact of primary care			
27	provider incentive funding on improved interoperability between hospital and provider			
28	systems; and (iii) methods for formalizing a statewide emergency department collaboration to			
29	improve care and treatment of Medicaid recipients and increase cost efficiency in the			
30	Medicaid program, including recognized best practices for emergency departments. The			
31	committee shall meet semi-annually, or more frequently if requested by the department or			
32	members of the committee. The department, in cooperation with the committee, shall report			
33	on the committee's activities annually to the Board of Medical Assistance Services and to the			
34	Chairmen of the House Appropriations and Senate Finance Committees and the Department			
35	of Planning and Budget no later than October 1 each year.			
36	QQ.1. The Department of Medical Assistance Services shall seek federal authority through			
37	any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the			
38	Social Security Act to implement a comprehensive value-driven, market-based reform of the			
39	Virginia Medicaid/FAMIS programs.			
40	2. The department is authorized to contract with qualified health plans to offer recipients a			
41	Medicaid benefit package adhering to these principles. Any coordination of non-traditional			
42	behavioral health services covered under contract with qualified health plans or through other			
43	means shall adhere to the principles outlined in paragraph EE.a. This reformed service			
44	delivery model shall be mandatory, to the extent allowed under the relevant authority granted			
45	by the federal government and shall, at a minimum, include (i) limited high-performing			
46	provider networks and medical/health homes; (ii) financial incentives for high quality			
47	outcomes and alternative payment methods; (iii) improvements to encounter data submission,			
48	reporting, and oversight; (iv) standardization of administrative and other processes for			
49	providers; and (v) support of the health information exchange.			
50	3.a. Notwithstanding § 30-347, Code of Virginia, or any other provision of law, the			
51	Department of Medical Assistance Services shall have the authority to (1) amend the State			
52	Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers			
53	thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. §			
54	1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act and (2) begin the			
55	process of implementing a § 1115 demonstration project to transform the Medicaid program			
56	for newly eligible individuals pursuant to the provisions of 4.c. and eligible individuals			
57	enrolled in the existing Medicaid program. DMAS shall submit the § 1115 demonstration			
58	waiver application to CMS for approval. The department shall provide updates on the			
59	progress of the State Plan amendments and demonstration waiver applications to the			

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1	Chairmen of the House Appropriations and Senate Finance Committees, or their				
2	designees, upon request, and provide for participation in discussions with CMS staff. The				
3	department shall respond to all requests for information from CMS on the State Plan				
4	Amendments and demonstration waiver applications in a timely manner.				
5	b. The demonstration project shall include the following elements in the design: The				
6	Department of Medical Assistance Services shall develop a supportive employment and				
7	housing benefit targeted to high risk Medicaid beneficiaries with mental illness, substance				
8	use disorder, or other complex, chronic conditions who need intensive, ongoing support to				
9	obtain and maintain employment and stable housing.				
10	c. The department shall have the authority to promulgate emergency regulations to				
11	implement these changes within 280 days or less from the enactment date of this Act.				
12	4. In the event that the increased federal medical assistance percentages for newly eligible				
13	individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA are modified				
14	through federal law or regulation from the methodology in effect on January 1, 2014,				
15	resulting in a reduction in federal medical assistance as determined by the department in				
16	consultation with the Department of Planning and Budget, the Department of Medical				
17	Assistance Services shall disenroll and eliminate coverage for individuals who obtained				
18	coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment				
19	process shall include written notification to affected Medicaid beneficiaries, Medicaid				
20	managed care plans, and other providers that coverage will cease as soon as allowable				
21	under federal law following the date the department is notified of a reduction in Federal				
22	Medical Assistance Percentage.				
23	RR.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace				
24	the current Disproportionate Share Hospital (DSH) methodology with the following				
25	methodology:				
26	a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14				
27	percent or higher in the base year using Medicaid days eligible for Medicare DSH or a				
28	Low Income Utilization Rate in excess of 25 percent and meet other federal requirements.				
29	Eligibility for out of state cost reporting hospitals shall be based on total Medicaid				
30	utilization or on total Medicaid NICU utilization equal to 14 percent or higher.				
31	b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each				
32	hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state				
33	FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be				
34	recalculated annually with an updated base year. DSH payments are subject to applicable				
35	federal limits.				
36	c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and				
37	rehabilitation days above 14 percent for each DSH hospital subject to special rules for out				
38	of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals				
39	shall be the higher of the number of eligible days based on the calculation in the first				
40	sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total				
41	Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU				
42	Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid				
43	days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but				
44	who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days				
45	that would have otherwise been eligible DSH days.				
46	d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for				
47	Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).				
48	e) The DSH per diem shall be calculated in the following manner:				
49	a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two				
50	DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For				
51	purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings				
52	Daughters (CHKD) or any hospital whose reimbursement exceeds its federal				
53	uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the				
54	amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the				

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1	percent change in the federal allotment, including any reductions as a result of the Affordable				
2	Care Act, adjusted for the state fiscal year.				
3	b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the				
4	total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days.				
5	The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid				
6	in state FY 2013 increased annually by the percent change in the federal allotment, including				
7	any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.				
8	c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two				
9	hospitals.				
10	d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type				
11	Two hospitals.				
12	2. Each year, the department shall determine how much Type Two DSH has been reduced as				
13	a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient				
14	hospital reimbursement.				
15	3. The department shall convene the Hospital Payment Policy Advisory Council at least once				
16	a year to consider additional changes to the DSH methodology.				
17	4. The department shall have the authority to implement these reimbursement changes				
18	effective July 1, 2014, and prior to completion of any regulatory process in order to effect				
19	such changes.				
20	SS. The Department of Medical Assistance Services shall have authority to amend the State				
21	Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any				
22	waivers thereof, to implement requirements of the federal Patient Protection and Affordable				
23	Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP				
24	eligibility determination and case management standards and practices, including the				
25	Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the				
26	requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of				
27	MAGI-related eligibility determinations. The department shall have authority to implement				
28	such standards and practices upon federal approval and prior to the completion of any				
29	regulatory process undertaken in order to effect such changes.				
30	TT.1. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical				
31	Assistance Services shall improve the preadmission screening process for individuals who				
32	will be eligible for long-term care services, as defined in the state plan for medical assistance.				
33	The community-based screening team shall consist of a licensed health care professional and				
34	a social worker who are employees or contractors of the Department of Health or the local				
35	department of social services, or other assessors contracted by the department. The				
36	department shall not contract with any entity for whom there exists a conflict of interest. For				
37	community-based screening for children, the screening shall be performed by an individual or				
38	entity with whom the department has entered into a contract for the performance of such				
39	screenings.				
40	2. The department shall track and monitor all requests for screenings and report on those				
41	screenings that have not been completed within 30 days of an individual's request for				
42	screening. The screening teams and contracted entities shall use the reimbursement and				
43	tracking mechanisms established by the department.				
44	3. The Department of Medical Assistance Services shall promulgate regulations to implement				
45	these provisions to be effective within 280 days of its enactment. The department may				
46	implement any changes necessary to implement these provisions prior to the promulgation of				
47	regulations undertaken in order to effect such changes.				
48	UU.1.a. There is hereby appropriated sum-sufficient nongeneral funds for the Department of				
49	Medical Assistance Services (DMAS) to pay the state share of supplemental payments for				
50	qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching				
51	hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private				
52	hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and				
53	owned or operated by a private entity in which a Type One hospital has a non-majority				
54	interest. The supplemental payments shall be based upon the reimbursement methodology				



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1	established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for			
2	Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type			
3	One hospital whose private hospital partner qualifies for such supplemental payments,			
4	under which the Type One hospital shall provide the state share in order to match federal			
5	Medicaid funds for the supplemental payments to the private hospital partner. The			
6	department shall have the authority to implement these reimbursement changes consistent			
7	with the effective date in the State Plan amendment approved by the Centers for Medicare			
8	and Medicaid Services (CMS) and prior to completion of any regulatory process in order			
9	to effect such changes.			
10	b. The department shall adjust capitation payments to Medicaid managed care			
11	organizations for the purpose of securing access to Medicaid hospital services for the			
12	qualifying private hospital partners of Type One hospitals (consisting of state-owned			
13	teaching hospitals). The department shall revise its contracts with managed care			
14	organizations to incorporate these supplemental capitation payments and provider			
15	payment requirements. DMAS shall enter into a transfer agreement with any Type One			
16	hospital whose private hospital partner qualifies for such supplemental payments, under			
17	which the Type One hospital shall provide the state share in order to match federal			
18	Medicaid funds for the supplemental payments to the private hospital partner. The			
19	department shall have the authority to implement these reimbursement changes consistent			
20	with the effective date approved by the Centers for Medicare and Medicaid Services			
21	(CMS). No payment shall be made without approval from CMS.			
22	2.a. The Department of Medical Assistance Services shall promulgate regulations to make			
23	supplemental payments to Medicaid physician providers with a medical school located in			
24	Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the			
25	supplemental payment shall be based on the difference between the average commercial			
26	rate approved by CMS and the payments otherwise made to physicians. The department			
27	shall have the authority to implement these reimbursement changes consistent with the			
28	effective date in the State Plan amendment approved by CMS and prior to completion of			
29	any regulatory process in order to effect such changes.			
30	b. The department shall increase payments to Medicaid managed care organizations for			
31	the purpose of securing access to Medicaid physician services in Eastern Virginia, through			
32	higher rates to physicians affiliated with a medical school located in Eastern Virginia that			
33	is a political subdivision of the Commonwealth subject to applicable limits. The			
34	department shall revise its contracts with managed care organizations to incorporate these			
35	supplemental capitation payments, and provider payment requirements, subject to			
36	approval by CMS. No payment shall be made without approval from CMS.			
37	c. Funding for the state share for these Medicaid payments is authorized in Item 254.			
38	3.a. The Department of Medical Assistance Services (DMAS) shall have the authority to			
39	amend the State Plan for Medical Assistance Services (State Plan) to implement a			
40	supplemental Medicaid payment for local government-owned nursing homes. The total			
41	supplemental Medicaid payment for local government-owned nursing homes shall be			
42	based on the difference between the Upper Payment Limit of 42 CFR §447.272 as			
43	approved by CMS and all other Medicaid payments subject to such limit made to such			
44	nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the			
45	state share of the supplemental Medicaid payment hereunder. However, DMAS shall not			
46	submit such State Plan amendment to CMS until it has entered into an intergovernmental			
47	agreement with eligible local government-owned nursing homes or the local government			
48	itself which requires them to transfer funds to DMAS for use as the state share for the			
49	supplemental Medicaid payment each nursing home is entitled to and to represent that			
50	each has the authority to transfer funds to DMAS and that the funds used will comply with			
51	federal law for use as the state share for the supplemental Medicaid payment. If a local			
52	government-owned nursing home or the local government itself is unable to comply with			
53	the intergovernmental agreement, DMAS shall have the authority to modify the State			
54	Plan. The department shall have the authority to implement the reimbursement change			
55	consistent with the effective date in the State Plan amendment approved by CMS and prior			
56	to the completion of any regulatory process undertaken in order to effect such change.			
57	b. If by June 30, 2017, the Department of Medical Assistance Services has not secured			

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1	approval from the Centers for Medicare and Medicaid Services to use a minimum fee			
2	schedule pursuant to 42 C.F.R. § 438.6(c)(1)(iii) for local government-owned nursing homes			
3	participating in Commonwealth Coordinated Care Plus (CCC Plus) at the same level as and in			
4	lieu of the supplemental Medicaid payments authorized in Section XX.3.a., then DMAS shall:			
5	(i) exclude Medicaid recipients who elect to receive nursing home services in local			
6	government-owned nursing homes from CCC Plus; (ii) pay for such excluded recipient's			
7	nursing home services on a fee-for-service basis, including the related supplemental Medicaid			
8	payments as authorized herein; and (iii) prohibit CCC Plus contracted health plans from in			
9	any way limiting Medicaid recipients from electing to receive nursing home services from			
10	local government-owned nursing homes. The department may include in CCC Plus Medicaid			
11	recipients who elect to receive nursing home services in local government-owned nursing			
12	homes in the future when it has secured federal CMS approval to use a minimum fee schedule			
13	as described above.			
14	4. The Department of Medical Assistance Services shall have the authority to amend the State			
15	Plan for Medical Assistance Services to implement a supplemental payment for clinic services			
16	furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total			
17	supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the			
18	Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH may			
19	transfer general fund to the department from funds already appropriated to VDH to cover the			
20	non-federal share of the Medicaid payments. The department shall have the authority to			
21	implement the reimbursement change effective July 1, 2015, and prior to the completion of			
22	any regulatory process undertaken in order to effect such changes.			
23	5. The Department of Medical Assistance Services shall amend the State Plan for Medical			
24	Assistance to increase the supplemental physician payments for physicians employed at a			
25	freestanding children's hospital serving children in Planning District 8 with more than 50			
26	percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the			
27	Centers for Medicare and Medicaid Services within the limit of the appropriation provided for			
28	this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment			
29	Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia			
30	Medicaid fee-for-service payments. The department shall have the authority to implement			
31	these reimbursement changes effective July 1, 2016, and prior to the completion of any			
32	regulatory process undertaken in order to effect such change.			
33	6.a. The Department of Medical Assistance Services shall promulgate regulations to make			
34	supplemental Medicaid payments to the primary teaching hospitals affiliated with a Liaison			
35	Committee on Medical Education (LCME) accredited medical school located in Planning			
36	District 23 that is a political subdivision of the Commonwealth and an LCME accredited			
37	medical school located in Planning District 5 that has a partnership with a public university.			
38	The amount of the supplemental payment shall be based on the reimbursement methodology			
39	established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for			
40	Medical Assistance and/or the department's contracts with managed care organizations. The			
41	department shall have the authority to implement these reimbursement changes consistent			
42	with the effective date in the State Plan amendment or the managed care contracts approved			
43	by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any			
44	regulatory process in order to effect such changes. No payment shall be made without			
45	approval from CMS.			
46	b. Funding for the state share for these Medicaid payments is authorized in Item 254 and Item			
47	4-5.03.			
48	c. Payments authorized in this subsection shall sunset after the effective date of a statewide			
49	supplemental payment for private acute care hospitals authorized in Item 3-5.16. For purposes			
50	of the upper payment limit, the department shall prorate the upper payment limit if the sunset			
51	date is mid-fiscal year. The department shall have the authority to implement this change prior			
52	to the completion of any regulatory process undertaken in order to effect such change.			
53	7. The department shall amend the State plan for Medical Assistance to implement a			
54	supplemental inpatient and outpatient payment for Chesapeake Regional Hospital based on			
55	the difference between reimbursement with rates using an adjustment factor of 100% minus			
56	current authorized reimbursement subject to the inpatient and outpatient Upper Payment			
57	Limits for non-state government owned hospitals. The department shall include in its			

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1	contracts with managed care organizations a minimum fee schedule for Chesapeake			
2	Regional Hospital consistent with rates using an adjustment factor of 100%. The			
3	department shall adjust capitation payments to Medicaid managed care organizations to			
4	fund this minimum fee schedule. Both the contract changes and capitation rate			
5	adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS			
6	approval. Prior to submitting the State Plan Amendment or making the managed care			
7	contract changes, Chesapeake Regional Hospital shall enter into an agreement with the			
8	department to transfer the non-federal share for these payments. The department shall			
9	have the authority to implement these reimbursement changes consistent with the effective			
10	date(s) approved by the Centers for Medicare and Medicaid (CMS). No payments shall be			
11	made without CMS approval.			
12	8.a. There is hereby appropriated sum-sufficient nongeneral funds for the department to			
13	pay the state share of supplemental payments for nursing homes owned by Type One			
14	hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for			
15	Medical Assistance Services. The total supplemental payment shall be based on the			
16	difference between the Upper Payment Limit of 42 CFR § 447.272 as approved by CMS			
17	and all other Medicaid payments subject to such limit made to such nursing homes.			
18	DMAS shall enter into a transfer agreement with any Type One hospital whose nursing			
19	home qualifies for such supplemental payments, under which the Type One hospital shall			
20	provide the state share in order to match federal Medicaid funds for the supplemental			
21	payments. The department shall have the authority to implement these reimbursement			
22	changes consistent with the effective date in the State Plan amendment approved by CMS			
23	and prior to completion of any regulatory process in order to effect such changes.			
24	b. The department shall adjust capitation payments to Medicaid managed care			
25	organizations to fund a minimum fee schedule compliant with requirements in 42 C.F.R. §			
26	438.6(c)(1)(iii) at a level consistent with the State Plan amendment authorized above for			
27	nursing homes owned by Type One hospitals. The department shall revise its contracts			
28	with managed care organizations to incorporate these supplemental capitation payments			
29	and provider payment requirements. DMAS shall enter into a transfer agreement with any			
30	Type One hospitals whose nursing home qualifies for such supplemental payments, under			
31	which the Type One hospital shall provide the state share in order to match federal			
32	Medicaid funds for the supplemental payments. The department shall have the authority to			
33	implement these reimbursement changes consistent with the effective date approved by			
34	CMS. No payment shall be made without approval from CMS.			
35	9. The department shall amend the State plan for Medical Assistance to implement a			
36	supplemental inpatient payment for Lake Taylor Transitional Care Hospital based on the			
37	difference between Medicaid reimbursement and the inpatient Upper Payment Limit for			
38	non-state government owned hospitals. The department shall include in its contracts with			
39	managed care organizations a percentage increase for Lake Taylor Transitional Care			
40	Hospital consistent with the fee for service supplemental payment percentage increase.			
41	The department shall adjust capitation payments to Medicaid managed care organizations			
42	to fund this percentage increase. Both the contract changes and capitation rate adjustments			
43	shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to			
44	submitting the State Plan Amendment or making the managed care contract changes, Lake			
45	Taylor Transitional Care Hospital shall enter into an agreement with the department to			
46	transfer the non-federal share for these payments. The department shall have the authority			
47	to implement these reimbursement changes consistent with the effective date(s) approved			
48	by the Centers for Medicare and Medicaid (CMS). No payments shall be made without			
49	CMS approval. The originating funding for this program will come entirely from Lake			
50	Taylor for Lake Taylor.			
51	VV. The Department of Medical Assistance Services shall amend the State Plan for			
52	Medical Assistance to provide coverage for cessation services for tobacco users, including			
53	pharmacology, group and individual counseling, and other treatment services including			
54	the most current version of or an official update to the Clinical Health Guideline "Treating			
55	Tobacco Use and Dependence" published by the Public Health Service of the U.S.			
56	Department of Health and Human Services. These services shall be subject to copayment			
57	requirements. The department shall have authority to implement this reimbursement			
58	change effective July 1, 2014 and prior to the completion of any regulatory process			
59	undertaken in order to effect such changes.			

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1	WW. The Department of Medical Assistance Services shall have the authority to implement				
2	Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits				
3	up until the age of 26 to individuals who are or were in foster care at least until the age of 18				
4	in any state.				
5	XX.1.The Department of Medical Assistance Services is authorized to amend the State Plan				
6	under Title XIX of the Social Security Act to add coverage for comprehensive dental services				
7	to pregnant women receiving services under the Medicaid program to include: (i) diagnostic,				
8	(ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both				
9	removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.				
10	2. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS				
11	and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees				
12	to add coverage for dental services to align with pregnant women's coverage under Medicaid.				
13	3. The Department of Medical Assistance Services is authorized to amend the State Plan				
14	under Title XXI of the Social Security Act to plan to allow enrollment for dependent children				
15	of state employees who are otherwise eligible for coverage.				
16	4. The department shall have authority to implement necessary changes upon federal approval				
17	and prior to the completion of any regulatory process undertaken in order to effect such				
18	changes.				
19	YY. The Department of Medical Assistance Services shall convene a workgroup to evaluate				
20	and develop strategies and recommendations to improve payment policies and coordination of				
21	care in the Medicaid program to encourage the effective and efficient provision of care by				
22	providers and health care systems serving Medicaid members. The workgroup shall include				
23	representatives from the Virginia Hospital and Healthcare Association, hospitals, the Virginia				
24	Association of Health Plans, managed care organizations, emergency department and primary				
25	care physicians, and other stakeholders deemed necessary by the department. The workgroup				
26	shall: (i) evaluate the appropriate coordination of services and cooperation among Medicaid				
27	managed care organizations (MCOs), hospitals, physicians, social services organizations, and				
28	nonprofit organizations to achieve a reduction in hospital readmissions, improved health				
29	outcomes, and reduced overall costs of care for conditions with high rates of hospital				
30	readmission in the Medicaid program; (ii) examine the role of hospital discharge planning and				
31	MCO care coordinators in assisting Medicaid beneficiaries with access to appropriate care				
32	and services post-discharge and other factors that may contribute to higher rates of				
33	readmission such as social determinants of health that could impact a patient's readmission				
34	status; (iii) assess the effectiveness of past and current mechanisms to improve outcomes and				
35	readmission rates by hospitals and health care systems and best practices and models from				
36	federal programs and other states; (iv) assess how to prevent inappropriate utilization of				
37	emergency department services; (v) examine the role of MCO care coordinators in assisting				
38	Medicaid beneficiaries access to appropriate care, including Medicaid beneficiary access to				
39	and the availability and use of alternative non-emergency care options, adequacy of MCO				
40	provider networks and reimbursement for primary care and alternative non-emergency care				
41	options, and the effectiveness of past and current mechanisms to improve the use of				
42	alternative non-emergent care by Medicaid beneficiaries; (vi) evaluate the impact of				
43	freestanding emergency departments and hospital emergency department marketing on				
44	emergency department utilization along with lower-cost options for triage of non-emergency				
45	cases to alternative settings; (vii) consider other states efforts to address emergency				
46	department utilization, including the use of medical and health homes, alternative primary				
47	care sites, and programs to coordinate the health needs of "super-utilizers"; and (viii) consider				
48	strategies to engage in value-based payment arrangements and other forms of financial				
49	incentives to encourage appropriate utilization of services and cooperation by health care				
50	providers and systems in improving health care outcomes, including a review of designated				
51	Performance Withhold Program measures, Clinical Efficiency measures, and other existing or				
52	potential programs. The department shall provide data on emergency room utilization and				
53	hospital readmissions of Medicaid beneficiaries to the workgroup to assist in its evaluation				
54	and analysis. The department shall report on the workgroup's findings and recommendations				
55	to the Joint Subcommittee for Health and Human Resources Oversight by November 1, 2021.				
56	ZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical				
57	Assistance to increase the supplemental physician payments for practice plans affiliated with				

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1	a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization			
2	in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid			
3	Services. The department shall have the authority to implement these reimbursement			
4	changes effective July 1, 2015, and prior to completion of any regulatory process			
5	undertaken in order to effect such change.			
6	AAA. The Department of Medical Assistance Services (DMAS) shall amend its July 1,			
7	2016, managed care contracts in order to conform to the requirement pursuant to House			
8	Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior			
9	authorization of drug benefits.			
10	BBB.1. Out of this appropriation, \$3,100,000 the first year and \$3,850,000 the second			
11	year from the general fund and \$3,100,000 the first year and \$3,850,000 the second year			
12	from nongeneral funds shall be used for supplemental payments to fund the fourth year of			
13	graduate medical education for two residents who began their residencies in July 2017, the			
14	second and third years of graduate medical education of 13 funded slots for residents			
15	beginning their residencies in July 2018, the second year of graduate medical education of			
16	16 funded slots for residencies in July 2019, the first and second years of graduate medical			
17	education for two residents in July 2020, who were awarded last year but their hiring was			
18	delayed, 31 slots for residents beginning their residencies in July 2020, provided to			
19	hospitals as awarded by the Virginia Health Care Workforce Authority, and 25 slots for			
20	residents beginning their residencies in July 2021.			
21	2. The supplemental payment for each qualifying residency slot shall be \$100,000			
22	annually minus any Medicare residency payment for which the sponsoring institution is			
23	eligible. For any residency program at a facility whose Medicaid payments are capped by			
24	the Centers for Medicare and Medicaid Services, the supplemental payments for each			
25	qualifying residency slot shall be \$50,000 from the general fund annually minus any			
26	Medicare residency payments for which the residency program is eligible. Supplemental			
27	payments shall be made for up to four years for each qualifying resident. Payments shall			
28	be made quarterly following the same schedule used for other medical education			
29	payments.			
30	3.The Department of Medical Assistance Services shall submit a State Plan amendment			
31	based on the authorization in BBB.1. of this Item to make supplemental payments for			
32	graduate medical education residency slots. The supplemental payments are subject to			
33	federal Centers for Medicare and Medicaid Services approval. The department shall have			
34	the authority to promulgate emergency regulations to implement this amendment within			
35	280 days or less from the enactment of this Act.			
36	4.a. Effective July 1, 2017, the department shall make supplemental payments to the			
37	following sponsoring institutions for the specified number of primary care residencies:			
38	Sentara Norfolk General (2 residencies), Carilion Medical Center (6 residencies), Centra			
39	Lynchburg General Hospital (1 residency), Riverside Regional Medical Center (2			
40	residencies), Bon Secours St. Francis Medical Center (2 residencies). The department			
41	shall make supplemental payments to Carilion Medical Center for 2 psychiatry			
42	residencies.			
43	b. Effective July 1, 2018, the department shall make supplemental payments to the			
44	following sponsoring institutions for the specified number of primary care residencies:			
45	Sentara Norfolk General (1 residency), Maryview Hospital (1 residency) and Carilion			
46	Medical Center (6 residencies). The department shall make supplemental payments to			
47	Carilion Medical Center for 2 psychiatric residencies and to Sentara Norfolk General for 1			
48	OB/GYN residencyand 2 psychiatric residencies.			
49	c. Effective July 1, 2019, the department shall make supplemental payments to the			
50	following sponsoring institutions for the specified number of primary care residencies:			
51	Sentara Norfolk General (1 residency), Maryview Hospital (1 residency), Carilion			
52	Medical Center (6 residencies), Centra Health (2 residencies), and Riverside Regional			
53	Medical Center (2 residencies). The department shall make supplemental payments to			
54	Inova Fairfax Hospital for 1 General Surgery residency and to Carilion Medical Center for			
55	2 psychiatric residencies. The department shall make supplemental payments to Sentara			
56	Norfolk General 1 OB/GYN residency and 1 urology residency. The department shall			
57	make supplemental payments to the University of Virginia Health System for a one year			

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1	fellowship in Addiction Medicine and to the Virginia Commonwealth University Health				
2	System for a one year fellowship in Addiction Medicine.				
3	d. Effective July 1, 2020, the department shall make supplemental payments for a primary				
4	care residency to Riverside Regional Medical Center. The department shall make				
5	supplemental payments to Sentara Norfolk General for 2 psychiatric residencies and 1				
6	urology residency. In addition, the department shall make supplemental payments to the				
7	following sponsoring institutions for the specified number of primary care residencies:				
8	Sentara Norfolk General (3 residencies), Maryview Hospital (1 residency), Carilion Medical				
9	Center (7 residencies), and Centra Health (3 residencies). The department shall make				
10	supplemental payments to Sentara Norfolk General for 1 OB/GYN residency and Carilion				
11	Medical Center for 2 psychiatry residencies. The department shall make supplemental				
12	payments to Riverside Regional Medical Center for 8 emergency medicine residencies. The				
13	department shall make supplemental payments to Children's Hospital of King's Daughters for				
14	2 general pediatrics residencies.				
15	e. Effective July 1, 2021, the department shall make supplemental payments to the following				
16	sponsoring institutions for the specified number of primary care residencies: Carilion Medical				
17	Center (7 residencies) and Centra Health (4 residencies). The department shall make				
18	supplemental payments to Sentara Norfolk General for 1 OB/GYN residency and 1				
19	emergency medicine residency. The department shall make supplemental payments to				
20	Carilion Medical Center for 2 psychiatry residencies. The department shall make				
21	supplemental payments to Riverside Regional Medical Center for 8 emergency medicine				
22	residencies.				
23	5. Preference shall be given for residency slots located in underserved areas. Applications for				
24	slots that involve multiple medical care providers collaborating in training residents and that				
25	involve providing residents the opportunity to train in underserved areas are encouraged. A				
26	majority of the new residency slots funded each year shall be for primary care. The				
27	department shall adopt criteria for primary care, high need specialties and underserved areas				
28	as developed by the Virginia Health Workforce Development Authority. Beginning July 1,				
29	2018, the department shall also review and consider applications from non-hospital				
30	sponsoring institutions, such as Federally Qualified Health Centers (FQHCs).				
31	6. If the number of qualifying residency slots exceeds the available number of supplemental				
32	payments, the Virginia Health Workforce Development Authority shall determine which new				
33	residency slots to fund based on priorities developed by the authority.				
34	7. The sponsoring institution will be eligible for the supplemental payments as long as it				
35	maintains the number of residency slots in total and by category as a result of the increase.				
36	The sponsoring institutions must certify by June 1 each year that they continue to meet the				
37	criteria for the supplemental payments and report any changes during the year to the number				
38	of residents.				
39	8. The department shall require all sponsoring institutions receiving Medicaid medical				
40	education funding to report annually by September 15 on the number of residents in total and				
41	by specialty/subspecialty. Medical education funding includes payments for graduate medical				
42	education (GME) and indirect medical education (IME).				
43	CCC.1. The Department of Medical Assistance Services, in consultation with the appropriate				
44	stakeholders, shall amend the state plan for medical assistance and/or seek federal authority				
45	through an 1115 demonstration waiver, as soon as feasible, to provide coverage of inpatient				
46	detoxification, inpatient substance abuse treatment, residential detoxification, residential				
47	substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-				
48	Service and Managed Care Delivery Systems.				
49	2. The Department of Medical Assistance Services shall have the authority to make				
50	programmatic changes in the provision of all Substance Abuse Treatment Outpatient,				
51	Community Based and Residential Treatment services (group homes and facilities) for				
52	individuals with substance abuse disorders in order to ensure parity between the substance				
53	abuse treatment services and the medical and mental health services covered by the				
54	department and to ensure comprehensive treatment planning and care coordination for				
55	individuals receiving behavioral health and substance use disorder services. The department				
56	shall ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within				

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1	the limits of the funding appropriated for this purpose based on current industry standards.			
2	The department shall consider all available options including, but not limited to, service			
3	definitions, prior authorization, utilization review, provider qualifications, and			
4	reimbursement rates for the following Medicaid services: substance abuse day treatment			
5	for pregnant women, substance abuse residential treatment for pregnant women, substance			
6	abuse case management, opioid treatment, substance abuse day treatment, and substance			
7	abuse intensive outpatient. Any amendments to the State Plan or waivers initiated under			
8	the provisions of this paragraph shall not exceed funding appropriated in this Act for this			
9	purpose. The department shall have the authority to promulgate regulations to implement			
10	these changes within 280 days or less from the enactment date of this Act.			
11	3. The Department of Medical Assistance Services shall amend the State Plan for Medical			
12	Assistance and any waivers thereof to include peer support services to children and adults			
13	with mental health conditions and/or substance use disorders. The department shall work			
14	with its contractors, the Department of Behavioral Health and Developmental Services,			
15	and appropriate stakeholders to develop service definitions, utilization review criteria and			
16	provider qualifications. Any amendments to the State Plan or waivers initiated under the			
17	provisions of this paragraph shall not exceed funding appropriated in this Act for this			
18	purpose. The department shall have the authority to promulgate regulations to implement			
19	these changes within 280 days or less from the enactment date of this Act.			
20	4. The Department of Medical Assistance Services shall, prior to the submission of any			
21	state plan amendment or waivers to implement paragraphs CCC.1., CCC.2., and CCC.3.,			
22	submit a plan detailing the changes in provider rates, new services added, other			
23	programmatic changes, and a certification of budget neutrality to the Director, Department			
24	of Planning and Budget and the Chairmen of the House Appropriation and Senate Finance			
25	Committees.			
26	DDD. The Department of Medical Assistance Services (DMAS), in consultation with the			
27	appropriate stakeholders, shall seek federal authority via a state plan amendment to cover			
28	low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The			
29	department shall promulgate emergency regulations to implement this amendment within			
30	280 days or less from the enactment of this Act.			
31	EEE. The Department of Medical Assistance Services shall not expend any appropriation			
32	for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver			
33	unless the General Assembly appropriates the funding. The department shall notify the			
34	Chairmen of the House Appropriations and Senate Finance Committees within 15 days of			
35	any final negotiated waiver agreement with the Centers for Medicare and Medicaid			
36	Services.			
37	FFF. Effective July 1, 2017, the Department of Medical Assistance Services shall amend			
38	the managed care regulations to specify that all contracts with health plans in a Medicaid			
39	managed care delivery model, including long-term services and supports, require			
40	reimbursement to nursing facility and specialized care services at no less than the			
41	Medicaid established per diem rate for Medicaid covered days, using the department's			
42	methodologies, unless the managed care organization and the nursing facility or			
43	specialized care services provider mutually agree to an alternative payment. The			
44	department shall have authority to implement this provision prior to the completion of any			
45	regulatory process in order to effect such change.			
46	GGG.1. The Department of Medical Assistance Services shall monitor the capacity			
47	available under the Upper Payment Limit (UPL) for all hospital supplemental payments			
48	and adjust payments accordingly when the UPL cap is reached. The department shall			
49	make an adjustment to stay under the UPL cap by reducing or eliminating as necessary			
50	supplemental payments to hospitals based on when the first supplemental payments were			
51	actually made so that the newest supplemental payments to hospitals would be impacted			
52	first and so on.			
53	2. The Department of Medical Assistance Services shall have the authority to implement			
54	reimbursement changes deemed necessary to meet the requirements of this paragraph prior			
55	to the completion of any regulatory process in order to effect such changes.			
56	HHH.1. By October 1, 2019, the Department of Medical Assistance Services shall require			

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1	consumer-directed aides providing personal care, respite care and companion services in the				
2	Medicaid Commonwealth Coordinated Care (CCC) Plus Waiver and Developmental				
3	Disability waiver programs and the Early and Periodic Screening Diagnosis and Treatment				
4	(EPSDT) program to utilize an Electronic Visit Verification (EVV) system. Nothing in this				
5	paragraph shall apply to live-in caretakers, who shall be exempt from the EVV requirements				
6	beginning January 1, 2021. The department is authorized to contract with a vendor to provide				
7	access to an EVV system for use by consumer-directed aides.				
8	2. For personal care, respite care and companion services agencies, the department shall work				
9	with the appropriate stakeholders to develop standards for electronic visit verification systems				
10	and certification requirements to ensure EVV systems used by such agencies meet all federal				
11	requirements and are capable of providing the necessary data the department may require.				
12	3. Nothing stated above shall apply to respite services provided by a DBHDS licensed				
13	provider in a DBHDS licensed program site such as a group home, sponsored residential				
14	home, supervised living, supported living or similar facility/location licensed to provide				
15	respite, as allowed by the Centers for Medicare and Medicaid.				
16	4. The department shall ensure that implementation of electronic visit verification complies				
17	with all requirements of the federal Centers of Medicare and Medicaid Services. The				
18	department shall have authority to implement these provisions prior to the completion of any				
19	regulatory process in order to effect such changes.				
20	III.1. Effective July 1, 2017, the Department of Medical Assistance Services shall amend the				
21	State Plan for Medical Assistance to increase the formula for indirect medical education				
22	(IME) for freestanding children's hospitals with greater than 50 percent Medicaid utilization				
23	in 2009 as a substitute for DSH payments. The formula for these hospitals for indirect medical				
24	education for inpatient hospital services provided to Medicaid patients but reimbursed by				
25	capitated managed care providers shall be identical to the formula for Type One hospitals.				
26	The IME payments shall continue to be limited such that total payments to freestanding				
27	children's hospitals with greater than 50 percent Medicaid utilization do not exceed the federal				
28	uncompensated care cost limit to which disproportionate share hospital payments are				
29	subject, excluding third party reimbursement for Medicaid eligible patients. The department				
30	shall have the authority to implement these changes effective July 1, 2017, and prior to				
31	completion of any regulatory action to effect such changes.				
32	2. The Department of Medical Assistance Services (DMAS) shall have the authority to create				
33	additional hospital supplemental payments for freestanding children's hospitals with greater				
34	than 50 percent Medicaid utilization in 2009 to replace payments that have been reduced due				
35	to the federal regulation on the definition of uncompensated care costs effective June 2, 2017.				
36	These new payments shall equal what would have been paid to the freestanding children's				
37	hospitals under the current disproportionate share hospital (DSH) formula without regard to				
38	the uncompensated care cost limit. These additional hospital supplemental payments shall				
39	take precedence over supplemental payments for private acute care hospitals. If the federal				
40	regulation is voided, DMAS shall continue DSH payments to the impacted hospitals and				
41	adjust the additional hospital supplemental payments authorized in this paragraph				
42	accordingly. The department shall have the authority to implement these changes prior to				
43	completion of any regulatory process undertaken in order to effectuate such change.				
44	JJJ. For the period beginning September 1, 2016 until 180 days after publication and				
45	distribution of the Developmental Disabilities Waivers provider manual by the Department of				
46	Medical Assistance Services (DMAS), retraction of payment from Developmental Disabilities				
47	Waivers providers following an audit by DMAS or one of its contractors is only permitted				
48	when the audit points identified are supported by the Code of Virginia, regulations, DMAS				
49	general providers manuals, or DMAS Medicaid Memos in effect during the date of services				
50	being audited.				
51	KKK. The Department of Medical Assistance Services shall submit a report annually on all				
52	supplemental payments made to hospitals through the Medicaid program. This report shall				
53	include information for each hospital and by type of supplemental payment (Disproportionate				
54	Share Hospital, Graduate Medical Education, Indirect Medical Education, Upper Payment				
55	Limit program, and others). The report shall include total Medicaid payments from all sources				
56	and calculate the percent of overall payments that are supplemental payments. Furthermore, it				
57	shall include a description of each type of supplemental payment and the methodology used to				



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1	calculate the payments. Each report shall reflect the data for the prior three fiscal years and				
2	shall be submitted to the Chairmen of the House Appropriations and Senate Finance				
3	Committees by September 1 each year.				
4	LLL. Effective July 1, 2018, the Department of Medical Assistance Services shall amend				
5	the State Plan for Medical Assistance to make the following changes. The department				
6	shall: (i) eliminate eligibility for Disproportionate Share Hospital (DSH) payments for				
7	Children's National Medical Center (CNMC); (ii) increase the annual indirect medical				
8	education (IME) payments for CNMC by the amount of DSH the hospital was eligible for				
9	in fiscal year 2018; and (iii) reduce the Type 2 DSH allocation by this same amount. The				
10	department shall have the authority to implement these changes effective July 1, 2018, and				
11	prior to completion of any regulatory action to effect such change.				
12	MMM.1. The Department of Medical Assistance Services shall work with stakeholders to				
13	review and adjust medical necessity criteria for Medicaid-funded nursing services				
14	including private duty nursing, skilled nursing, and home health. The department shall				
15	adjust the medical necessity criteria to reflect advances in medical treatment, new				
16	technologies, and use of integrated care models including behavioral supports. The				
17	department shall have the authority to amend the necessary waiver(s) and the State Plan				
18	under Titles XIX and XXI of the Social Security Act to include changes to services				
19	covered, provider qualifications, medical necessity criteria, and rates and rate				
20	methodologies for private duty nursing. The adjustments to these services shall meet the				
21	needs of members and maintain budget neutrality by not requiring any additional				
22	expenditure of general fund beyond the current projected appropriation for such nursing				
23	services.				
24	2. The department shall have authority to implement these changes to be effective July 1,				
25	2019. The department shall also have authority to promulgate any emergency regulations				
26	required to implement these necessary changes within 280 days or less from the enactment				
27	dated of this act. The department shall submit a report and estimates of any projected cost				
28	savings to the Chairmen of the House Appropriations and Senate Finance Committees 30				
29	days prior to implementation of such changes.				
30	NNN. Effective July 1, 2019, the department shall amend the State Plan for Medical				
31	Assistance to clarify payment rules for new nursing homes or renovations that qualify for				
32	mid-year rate adjustments, to include the following:				
33	1. For any facility whose Fair Rental Value report has less than 12 months of experience,				
34	the department shall develop an occupancy schedule that represents average statewide				
35	occupancy by month of operation for use in calculating the per diem rate in lieu of a				
36	minimum occupancy requirement or actual occupancy.				
37	2. Any new beds or renovations placed in service between the reporting year and the rate				
38	year shall be treated as a mid-year rate adjustment. No new rate will be made after April				
39	30. Rate updates that fall between May 1 and June 30 shall be effective July 1 of the same				
40	year.				
41	3. The department shall annualize real estate taxes, property taxes and property insurance				
42	costs that do not represent a full year's cost.				
43	4. Costs shall be based on currently available documentation at the time but are subject to				
44	audit. The department may use any reasonable method to estimate costs for which there is				
45	inadequate documentation. Any adjustments based on subsequent documentation or audit				
46	for a current rate year shall be applied beginning with the next rate year.				
47	5. The department shall have 15 days from the date of the provider's submission to				
48	determine if the filing is complete for purposes of setting a rate for a new or renovated				
49	facility. The facility shall have 15 days from the date the filing is deemed incomplete to				
50	submit the required information. The deadline for setting the rate shall be extended for 30				
51	days after the filing is deemed complete.				
52	6. Providers may propose a phased renovation subject to approval by the department. The				
53	phased renovation may include reductions to available beds. Any modifications to the				
54	proposed renovation are also subject to approval by the department.				

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1	7. The department shall have the authority to implement these reimbursement changes			
2	effective July 1, 2019 and prior to the completion of any regulatory process undertaken in			
3	order to effect such change.			
4	OOO. The Department of Medical Assistance Services shall amend the State Plan for Medical			
5	Assistance and any relevant waivers thereof to modify reimbursement for Hospice services			
6	provided to patients residing in facilities to include at least 100 percent of the relevant			
7	Medicaid facility rate for that individual, a component commonly referred to as "room and			
8	board." To the extent allowed under federal law and regulation, the Department shall further			
9	amend the State plan and/or relevant waivers thereof to pay this "room and board" rate in			
10	effect with no discount applied to the facility directly, thus eliminating the Hospice from its			
11	role in passing-through this facility payment to the facility. To the extent federal approval of			
12	this direct payment component is dependent on whether it is in the State Plan or in relevant			
13	waivers, the Department shall implement the direct payment where federal approval is			
14	achieved. The department shall have authority to implement these changes effective July 1,			
15	2019 and prior to the completion of any regulatory process undertaken in order to effect such			
16	change.			
17	PPP. Effective July 1, 2019, the Department of Medical Assistance Services shall increase the			
18	telehealth originating site facility fee to 100 percent of the Medicare rate and shall reflect			
19	changes annually based on any changes in the Medicare rate. The department shall exempt			
20	Federally Qualified Health Centers and Rural Health Centers from this reimbursement			
21	change. The department shall have the authority to implement these changes prior to			
22	completion of any regulatory process undertaken in order to effect such change.			
23	QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical			
24	Assistance to increase reimbursement for Critical Access Hospitals by using an adjustment			
25	factor or percent of cost reimbursement of 100% for inpatient operating and capital rates and			
26	outpatient rates effective July 1, 2019. The department shall have the authority to implement			
27	these changes effective July 1, 2019 and prior to completion of any regulatory action to effect			
28	such change.			
29	RRR. The Department of Medical Assistance Services shall pursue any and all alternatives			
30	and cost based reimbursement models to allow a private hospital in rural Southwest Virginia			
31	that has closed in the last five years to recoup capital startup costs and minimize operating			
32	losses for the next five years, including but not limited to optimizing federal matching dollars			
33	in accordance with federal law.			
34	SSS. The Department of Medical Assistance Services and the Department of Behavioral			
35	Health and Developmental Services shall recognize the Certified Employment Support			
36	Professional (CESP) and Association of Community Rehabilitation Educators (ACRE)			
37	certifications in lieu of competency requirements for supported employment staff in the			
38	Medicaid Community Living, Family and Individual Support and Building Independence			
39	Waiver programs and shall allow providers that are Department for the Aging and			
40	Rehabilitative Services vendors that hold a national three-year accreditation from the			
41	Commission on Accreditation of Rehabilitation Facilities (CARF) to be deemed qualified to			
42	meet employment staff competency requirements, provided the provider submits the results			
43	from their CARF surveys including recommendations received to the Department of			
44	Behavioral Health and Developmental Services so that the agency can verify that there are no			
45	recommendations for the standards that address staff competency.			
46	TTT. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the			
47	State Plan for Medical Assistance to increase the practitioner rates for primary care services			
48	by five percent and rates for Emergency Department services by one percent to reflect the			
49	equivalent of 70 percent of the 2018 Medicare rates. The department shall ensure through its			
50	contracts with managed care organizations that the rate increase is reflected in their rates to			
51	providers. The department shall have the authority to implement these reimbursement changes			
52	prior to the completion of the regulatory process.			
53	UUU. Effective July 1, 2019, the Department of Medical Assistance Services shall amend the			
54	State Plan for Medical Assistance to create a separate service category for psychiatric services			
55	and to increase practitioner rates for psychiatric services by 21 percent to reflect the			
56	equivalent of 100 percent of the 2018 Medicare rates. All practitioners who bill these services			
57	shall receive new rates. The department shall have the authority to implement these			

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1	reimbursement changes prior to the completion of the regulatory process.				
2	VVV. The Department of Medical Assistance Services shall amend its contracts with				
3	managed care organizations to require written notification and training to agency-directed				
4	personal care providers at least 60 days prior to the implementation of all changes to				
5	Quality Management Review and prior authorization policies and processes consistent				
6	with state and federal regulations.				
7	XXX. Effective upon federal approval but no earlier than April 1, 2021, the Department of				
8	Medical Assistance Services shall amend the State Plan under Title XIX of the Social				
9	Security Act to eliminate the 40 quarter work requirement for Lawful Permanent				
10	Residents who otherwise meet all Medicaid eligibility requirements. The department shall				
11	have the authority to promulgate emergency regulations to implement this amendment				
12	within 280 days or less from the enactment of this Act.				
13	YYY.1. The Department of Medical Assistance Services (DMAS) shall have the authority				
14	to implement programmatic changes to service definitions, prior authorization and				
15	utilization review criteria, provider qualifications, and reimbursement rates for the				
16	following existing Medicaid behavioral health services: assertive community treatment,				
17	mental health partial hospitalization programs, crisis intervention and crisis stabilization				
18	services.				
19	2. The department shall have the authority to develop new service definitions, prior				
20	authorization and utilization review criteria, provider qualifications, and reimbursement				
21	rates for the following new Medicaid behavioral health services: multi-systemic therapy,				
22	family functional therapy, intensive outpatient services, mobile crisis intervention				
23	services, 23 hour temporary observation services and residential crisis stabilization unit				
24	services.				
25	3. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and				
26	reimbursement rates for the following services: assertive community treatment, multi-				
27	systemic therapy and family functional therapy.				
28	4. Effective on or after July 1, 2021, DMAS shall implement programmatic changes and				
29	reimbursement rates for the following services: intensive outpatient services, partial				
30	hospitalization programs, mobile crisis intervention services, 23 hour temporary				
31	observation services, crisis stabilization services and residential crisis stabilization unit				
32	services.				
33	5. Included in this Item is an additional \$80,909 the second year from the general fund and				
34	\$13,791,201 the second year from nongeneral funds to effect the changes required by				
35	paragraphs above. In the development and implementation of these changes, the				
36	department shall ensure appropriate utilization and cost efficiency. Reimbursement rate				
37	changes shall be budget neutral and must not exceed the funding appropriated in the Act				
38	for these services.				
39	6. The Department of Medical Assistance Services shall, prior to the submission of any				
40	state plan amendment or waivers to implement these paragraphs, submit a plan detailing				
41	the changes in provider rates, new services added and other programmatic changes to the				
42	Director, Department of Planning and Budget and the Chairmen of the House				
43	Appropriation and Senate Finance Committees.				
44	7. The department shall have the authority to promulgate emergency regulations to				
45	implement this amendment within 280 days or less from the enactment of this Act.				
46	AAAA. Effective July 1, 2021, the Department of Medical Assistance Services shall seek				
47	federal authority through waiver and State Plan amendments under Titles XIX and XXI of				
48	the Social Security Act to extend coverage for pregnant women between 138% and 205%				
49	of the Federal Poverty Level to up to one year postpartum. The department shall have the				
50	authority to promulgate emergency regulations to implement these amendments within				
51	280 days or less from the enactment of this Act.				
52	DDDD.1. Effective January 1, 2021, the Department of Medical Assistance Services				
53	(DMAS), in consultation with the Department of Behavioral Health and Developmental				
54	Services (DBHDS), shall increase provider payment rates for services delivered through				

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1	the Community Living, Family and Individual Support, and Building Independence				
2	Developmental Disability (DD) waivers. The rate increase shall be provided for the following				
3	services: Group Home, Sponsored Residential and Group Day Support.				
4	2. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS), in				
5	consultation with the Department of Behavioral Health and Developmental Services, shall				
6	increase provider payment rates for services delivered through the Community Living, Family				
7	and Individual Support, and Building Independence Developmental Disability (DD) waivers.				
8	The rate increase shall be provided for the following services: Independent Living Supports,				
9	Supported Living, In-home Support Services, Group Supported Employment, Workplace				
10	Assistance, Community Engagement, Community Coaching and Therapeutic Consultation.				
11	3. Included in this Item is an additional \$10,697,611 the first year and \$25,785,930 the second				
12	year from the general fund and \$10,697,611 the first year and \$25,785,930 the second year				
13	from the nongeneral funds to effect the changes required by the paragraph DDDD.1. above.				
14	The DMAS shall prepare a report that 1) identifies the implemented rate and rate increase				
15	percentage for each service impacted by this action; and 2) determines whether the estimated				
16	cost of each service is consistent with the funding provided in this Act. DMAS shall provide				
17	this report to the Director, Department of Planning and Budget and the Chairmen of the				
18	House Appropriation and Senate Finance Committees by December 1, 2020.				
19	4. The department shall have the authority to implement these changes prior to the completion				
20	of any regulatory process to effect such changes.				
21	EEEE. Effective July 1, 2021, the Department of Medical Assistance Services shall increase				
22	rates by 14.7 percent for psychiatric services to the equivalent of 110 percent of Medicare				
23	rates. The department shall have the authority to implement these reimbursement changes				
24	prior to the completion of any regulatory process to effect such changes.				
25	GGGG. Effective on and after July 1, 2021, the Department of Medical Assistance Services				
26	shall amend the State Plan for Medical Assistance to modify reimbursement for nursing				
27	facility services such that the direct peer group price percentage shall be increased to 109.3				
28	percent and the indirect peer group price percentage shall be increased to 103.3 percent. The				
29	department shall have the authority to implement these changes effective July 1, 2021 and				
30	prior to the completion of any regulatory process undertaken in order to effect such change.				
31	HHHH. The Department of Medical Assistance Services shall amend the State Plan for				
32	Medical Assistance to implement a supplemental disproportionate share hospital (DSH)				
33	payment for Chesapeake Regional Hospital up to its hospital-specific disproportionate share				
34	hospital limit (OBRA '93 DSH limit) as determined pursuant to 42 U.S.C. Section 1396r-4.				
35	The payment shall be made annually based upon the hospital's disproportionate share limit for				
36	the most recent year for which the disproportionate share limit has been calculated subject to				
37	the availability of DSH funds under the federal allotment of such funds to the department.				
38	Prior to submitting the State Plan Amendment, Chesapeake Regional Hospital shall enter into				
39	an agreement with the department to transfer the non-federal share of the supplemental DSH				
40	payment. Payment of the supplemental DSH payment is contingent upon receipt of				
41	intergovernmental transfer of funds or certified public expenditures from Chesapeake				
42	Regional Hospital. In the event that Chesapeake Regional Hospital is ineligible to transfer or				
43	certify necessary funds pursuant to federal law, the department may amend the State Plan for				
44	Medical Assistance to terminate the supplemental DSH payment program. The department				
45	shall have the authority to implement these reimbursement changes consistent with effective				
46	date(s) approved by the Centers for Medicare and Medicaid Services (CMS). No payments				
47	shall be made without CMS approval. In the event, that CMS recoups supplemental DSH				
48	hospital funds from the department, Chesapeake Regional Hospital shall reimburse such funds				
49	to the department.				
50	JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical				
51	Assistance to provide that any nursing facility which thereafter loses its Medicaid capital				
52	reimbursement status as a hospital-based nursing facility because a replacement hospital was				
53	built at a different location and Medicare rules no longer allow the nursing home's cost to be				
54	included on the hospital's Medicare cost report shall have its first fair rental value (FRV)				
55	capital payment rate set at the maximum FRV rental rate for a new free-standing nursing				
56	facility with the date of acquisition for its capital assets being the date the replacement				
57	hospital is licensed. The department shall have the authority to implement these				

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1	reimbursement changes effective July 1, 2021 and prior to the completion of the				
2	regulatory process.				
3	KKKK. Effective July 1, 2020, the department shall amend the State Plan for Medical				
4	Assistance to increase the direct and indirect operating rates from 15 percent to 25.4				
5	percent above a facility's calculated price-based rates where at least 80 percent of the				
6	resident population have one or more of the following diagnoses: quadriplegia, traumatic				
7	brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying				
8	facility must have at least 90 percent Medicaid utilization and a case mix index of 1.15 or				
9	higher in fiscal year 2014. The department shall have the authority to implement this				
10	reimbursement methodology change for rates on or after July 1, 2021, and prior to				
11	completion of any regulatory process in order to effect such change.				
12	LLLL. The Department of Medical Assistance Services shall amend the State Plan for				
13	Medical Assistance to establish Specialized Care operating rates for fiscal years 2021 and				
14	2022 by inflating the fiscal year 2020 rates using Virginia nursing home inflation. After				
15	fiscal year 2022, the department shall revert to the existing cost-based methodology. The				
16	department has the authority to implement this change notwithstanding current regulations				
17	and consistent with the approved State Plan amendment.				
18	MMMM. The Department of Medical Assistance Services shall require Medicaid				
19	managed care organizations to reimburse at no less than 90 percent of the state Medicaid				
20	program Durable Medical Equipment fee schedule for the same service or item of durable				
21	medical equipment, prosthetics, orthotics, and supplies. The department shall have the				
22	authority to implement this reimbursement change effective July 1, 2021 and prior to the				
23	completion of any regulatory process undertaken in order to effect such change.				
24	NNNN. The Department of Medical Assistance Services (DMAS) shall convene an				
25	advisory panel of representatives chosen by the Virginia Association of Community				
26	Services Boards (VACSB), the Virginia Association of Community-Based Providers				
27	(VACBP), the Virginia Coalition of Private Provider Associations (VCOPPA), Caliber,				
28	the Virginia Network of Private Providers (VNPP), and the Virginia Hospital and				
29	Healthcare Association. The advisory panel shall meet at least every two months with the				
30	appropriate staff from DMAS to review and advise on all aspects of the plan for and				
31	implementation of the redesign of behavioral health services with a specific focus on				
32	ensuring that the systemic plan incorporates development, and maintenance of sustainable				
33	business models. Upon advice of the Advisory panel, DMAS may assign staff, as				
34	necessary, to review operations of a sample of providers to examine the process for				
35	service authorization, the interpretation of the medical necessity criteria, and the claims				
36	processing by all Medicaid managed care organizations. DMAS will report their findings				
37	from this review to the advisory panel and to the Secretary of Health and Human				
38	Resources, and the Chairs of House Appropriations and Senate Finance by December 31,				
39	2020.				
40	OOOO. The Department of Medical Assistance Services (DMAS) shall convene a				
41	workgroup of stakeholders to include representatives of Jill's House, SOAR 365, Virginia				
42	Sponsored Residential Provider Group, the Virginia Association of Community Services				
43	Boards, the Virginia Network of Private Providers and the Department of Behavioral				
44	Health and Developmental Services to review the existing and any proposed regulations				
45	governing the provision of respite or personal assistance services to determine the barriers				
46	to the provision of these services in a center or residential setting other than the				
47	individual's home. DMAS shall consider the option of basing the reimbursement for				
48	center-based respite and personal assistance on the Level/Tier as determined by the				
49	individual's Supports Intensity Scale score. DMAS shall report on the conclusions of the				
50	workgroup to the Chairs of House Appropriations and Senate Finance and Appropriations				
51	Committees by December 1, 2020, including whether the department needs emergency				
52	regulatory authority to make changes in order to minimize barriers to services and support				
53	broader appropriate utilization of the identified services.				
54	PPPP. The Department of Medical Assistance Services shall review and consider				
55	amending regulations governing the practice and requirements for peer recovery services				
56	for individuals with mental illness and/or substance use disorder. In reviewing the				
57	regulations, the department shall convene stakeholders to assess the existing barriers to				

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1	providing the service and assist in the development of emergency regulations. Stakeholders			
2	shall include, but not be limited to, the Virginia Organization of Consumers Asserting			
3	Leadership (VOCAL), Substance Abuse Addiction Recovery Alliance (SAARA), Virginia			
4	Network of Private Providers (VNPP), Mental Health America-Virginia (MHA-V), Virginia			
5	Association of Community Services Boards (VACSB), and National Alliance for Mental			
6	Illness-Virginia (NAMI-V). The department shall have the authority to promulgate emergency			
7	regulations to implement changes that are budget neutral within 280 days or less from the			
8	enactment of this act. The department shall submit changes that have a fiscal impact as part of			
9	the normal budget process for consideration in the 2021 Session.			
10	QQQQ. The Department of Medical Assistance Services shall adjust the post eligibility			
11	special earnings allowance for individuals in the CCC Plus, Community Living, Family and			
12	Individual Support and Building Independence waiver programs to incentivize employment			
13	for individuals receiving waiver services. DMAS shall lower the number of hours from at			
14	least eight hours but less than 20 hours per week requirement to at least four hours but less			
15	than 20 hours per week. The Special Earnings Allowance for waiver participants allows a			
16	percentage of earned income to be disregarded when calculating an individual's contribution			
17	to the cost of their waiver services when earning income. The current requirement is at least			
18	eight hours but less than 20 hours per week for a disregard of up to 200 percent of			
19	Supplemental Security Income (SSI) and a disregard of up to 300 percent for individuals that			
20	work 20 hours or more per week.			
21	RRRR. The Department of Medical Assistance Services shall conduct an analysis to			
22	determine if any additional payment opportunities could be directed to the primary teaching			
23	hospital affiliated with a Liaison Committee on Medical Education (LCME) accredited			
24	medical school located in Planning District 23 that is a political subdivision of the			
25	Commonwealth, based on the department's reimbursement methodology established for such			
26	payments. If such opportunity does exist, the department shall work with the entities to			
27	determine the framework for implementing such payments, including a reasonable cap on			
28	such payments so other qualifying entities are not adversely affected in future years.			
29	SSSS.1. Effective July 1, 2020, the Department of Medical Assistance Services shall increase			
30	the rates for agency and consumer directed personal care, respite and companion services in			
31	the home and community based services waivers and Early Periodic Screening, and Diagnosis			
32	and Treatment (EPSDT) program by five percent. The department shall have the authority to			
33	implement these changes prior to completion of any regulatory process undertaken in order to			
34	effect such change.			
35	2. Effective May 1, 2021, the Department of Medical Assistance Services shall increase the			
36	rates for agency- and consumer-directed personal care, respite and companion services in the			
37	home and community based services waivers and Early Periodic Screening, and Diagnosis			
38	and Treatment (EPSDT) program by 6.4 percent. The department shall have the authority to			
39	implement these changes prior to completion of any regulatory process undertaken in order to			
40	effect such change.			
41	3. Effective January 1, 2022, the Department of Medical Assistance Services shall increase			
42	the rates for agency- and consumer-directed personal care, respite and companion services in			
43	the home and community based services waivers and Early Periodic Screening, and Diagnosis			
44	and Treatment (EPSDT) program by 12.5 percent. The department shall have the authority to			
45	implement these changes prior to completion of any regulatory process undertaken in order to			
46	effect such change.			
47	4. The Governor shall include in the introduced budget for the 2022 Session, submitted			
48	pursuant to § 2.2-1509, Code of Virginia, appropriations to support additional rate increases			
49	for agency- and consumer-directed personal care, respite and companion services that reflect			
50	additional increases in the state minimum wage such that the rates: (i) maintain the existing			
51	differential between the consumer-directed Rest-of-State rate above the state minimum wage;			
52	(ii) maintain the differential between the Northern Virginia and the Rest-of-State rate; and (iii)			
53	for agency-directed services are increased by the same percentage increase applied to			
54	consumer-directed services based on the prior provisions.			
55	UUUU. Effective July 1, 2021, the Department of Medical Assistance Services shall amend			
56	the State Plan for Medical Assistance to increase the practitioner rates for anesthesiologists to			
57	reflect the equivalent of 70 percent of the 2019 Medicare rates. The department shall ensure			

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1	through its contracts with managed care organizations that the rate increase is reflected in			
2	their rates to providers. The department shall have the authority to implement these			
3	reimbursement changes prior to the completion of any regulatory process undertaken in			
4	order to effect such changes.			
5	VVVV. The Department of Medical Assistance Services shall amend the State Plan for			
6	Medical Assistance to increase the supplemental physician payments for physicians			
7	employed at a freestanding children's hospital serving children in Planning District 8 to the			
8	maximum allowed by the Centers for Medicare and Medicaid Services within the limit of			
9	the appropriation provided for this purpose. The total supplemental Medicaid payment			
10	shall be based on the Upper Payment Limit approved by the Centers for Medicare and			
11	Medicaid Services and all other Virginia Medicaid fee-for-service payments. The			
12	department shall have the authority to implement these reimbursement changes effective			
13	July 1, 2021, and prior to the completion of any regulatory process undertaken in order to			
14	effect such change.			
15	WWWW. The Department of Medical Assistance Services shall have the authority to			
16	amend the State Plan for Medical Assistance or any waiver under Title XIX of the Social			
17	Security Act to increase the income eligibility for participation in the Medicaid Works			
18	program to 138 percent of the Federal Poverty Level. The department shall have the			
19	authority to implement this change prior to the completion of the regulatory process			
20	necessary to implement such change.			
21	XXXX. The Department of Medical Assistance Services shall amend the State Plan under			
22	Title XIX and XXI to add coverage of tobacco cessation services for full coverage adults			
23	who are not enrolled pursuant to the Patient Protection and Affordable Care Act. The			
24	department shall have the authority to implement these changes effective July 1, 2021, and			
25	prior to the completion of any regulatory process undertaken in order to effect such			
26	changes.			
27	YYYY. Effective July 1, 2021, the Department of Medical Assistance Services shall			
28	increase rates for skilled and private duty nursing services to 80 percent of the benchmark			
29	rate developed by the department and consistent with the appropriation available for this			
30	purpose. The department shall have the authority to implement these changes prior to the			
31	completion of any regulatory process to effect such changes.			
32	ZZZZ. Effective, January 1, 2021, the Department of Medical Assistance Services shall			
33	amend the State Plan for Medical Assistance under Title XIX of the Social Security Act,			
34	and any necessary waivers, to authorize time and a half up to eight hours and effective			
35	July 1, 2021, up to 16 hours for a single attendant who works more than 40 hours per			
36	week for attendants providing Medicaid-reimbursed consumer-directed (CD) personal			
37	assistance, respite and companion services. The department shall have authority to			
38	implement this provision prior to the completion of any regulatory process undertaken in			
39	order to effect such change.			
40	AAAAA. The Department of Medical Assistance Services shall amend the State Plan for			
41	Medical Assistance Services to allow the pending, reviewing and the reducing of fees for			
42	avoidable emergency room claims for codes 99282, 99283 and 99284, both physician and			
43	facility. The department shall utilize the avoidable emergency room diagnosis code list			
44	currently used for Managed Care Organization clinical efficiency rate adjustments. If the			
45	emergency room claim is identified as a preventable emergency room diagnosis, the			
46	department shall direct the Managed Care Organizations to default to the payment amount			
47	for code 99281, commensurate with the acuity of the visit. The department shall have the			
48	authority to implement this reimbursement change effective July 1, 2020, and prior to the			
49	completion of any regulatory process undertaken in order to effect such change.			
50	BBBBB. The Department of Medical Assistance Services shall amend the State Plan for			
51	Medical Assistance Services under Title XIX to modify the definition of readmissions to			
52	include cases when patients are readmitted to a hospital for the same or a similar diagnosis			
53	within 30 days of discharge, excluding planned readmissions, obstetrical readmissions,			
54	admissions to critical access hospitals, or in any case where the patient was originally			
55	discharged against medical advice. If the patient is readmitted to the same hospital for a			
56	potentially preventable readmission then the payment for such cases shall be paid at 50			
57	percent of the normal rate, except that a readmission within five days of discharge shall be			

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1	considered a continuation of the same stay and shall not be treated as a new case. Similar			
2	diagnoses shall be defined as ICD diagnosis codes possessing the same first three digits. The			
3	department shall have the authority to implement this reimbursement change effective July 1,			
4	2020, and prior to the completion of any regulatory process undertaken in order to effect such			
5	change. The department shall report quarterly on the number of hospital readmissions, the			
6	cost, and the primary diagnosis of such readmissions to the Joint Subcommittee for Health			
7	and Human Resources Oversight.			
8	CCCCC. The Department of Medical Assistance Services shall establish a workgroup of			
9	Medicaid managed care organizations, physicians and pharmacists and other stakeholders, as			
10	necessary, to assess policies and procedures, including risk sharing arrangements,			
11	reimbursement methods or other mechanisms to determine Medicaid coverage and			
12	reimbursement of FDA fast-track drugs and emerging-break-through technologies. The			
13	assessment shall include an examination of other states' approaches to determine Medicaid			
14	coverage, clinical criteria for coverage across the fee-for-service and managed care programs,			
15	risk sharing arrangements, and reimbursement methodologies including kick-payments or			
16	other pass-through arrangements that are consistent with the utilization and cost of the drug or			
17	technology. The assessment will also examine and make recommendations regarding the			
18	timeline for providing coverage from the date of FDA approval of the drug or technology.			
19	The workgroup shall report on issues and recommendations to the Joint Subcommittee for			
20	Health and Human Resources Oversight by September 1, 2020, including any budgetary or			
21	regulatory authority required to implement changes for such coverage.			
22	DDDDD. The Department of Medical Assistance Services shall continue working with the			
23	Department of Behavioral Health and Developmental Services to complete the actions			
24	necessary to qualify to file a Section 1115 waiver application for Serious Mental Illness			
25	and/or Serious Emotional Disturbance. The department shall develop such a waiver			
26	application at the appropriate time that shall be consistent with the Addiction Treatment and			
27	Recovery Services substance abuse waiver program. The department shall develop a plan with			
28	a timeline and potential costs savings of such a waiver to the Commonwealth. The department			
29	shall provide an update on the status of the waiver by November 1 of each year to the Chairs			
30	of the House Appropriations and Senate Finance and Appropriations Committees.			
31	EEEEEE.1. Effective January 1, 2021, the Department of Medical Assistance Services shall			
32	develop and implement an actuarially sound risk adjustment model that addresses the			
33	behavioral health acuity differences among the Medicaid managed care organizations for the			
34	community well population of individuals who are dually eligible for Medicare and Medicaid			
35	currently served through the Commonwealth Coordinated Care (CCC) Plus program.			
36	Behavioral Health services shall be defined to include the following: case management			
37	services, community behavioral health, early intervention services, and addiction and			
38	recovery treatment services. The risk adjustment shall be based on nationally accepted			
39	models, such as the Chronic Illness and Disability Payment System (COPS) or Clinical			
40	Classifications Software Refined (CCSR), and shall incorporate variables predictive of			
41	behavioral health service utilization. Managed care experience shall be utilized as the basis			
42	for the risk adjustment.			
43	2. Effective January 1, 2021, the Department of Medical Assistance Services shall develop			
44	and implement differential capitation rates for members in behavioral health treatment versus			
45	those who are not, for the community well population of individuals who are dually eligible			
46	for Medicare and Medicaid currently served through the CCC Plus program. The rates shall			
47	be actuarially sound and the behavioral health rates shall additionally incorporate risk			
48	adjustment to account for acuity differences amongst the managed care organizations.			
49	Behavioral health services shall be defined to include the following: case management			
50	services, community behavioral health, early intervention services, and addiction and			
51	recovery treatment services. The risk adjustment shall be based on nationally accepted			
52	models, such as The Chronic Illness and Disability Payment System (COPS) or Clinical			
53	Classifications Software Refined (CCSR), and shall incorporate variables predictive of			
54	behavioral health service utilization. Managed care experience shall be utilized as the basis			
55	for the establishment of the capitation rates and the risk adjustment.			
56	3. The risk adjustment model and differential capitation rates in these paragraphs shall be			
57	implemented such that the impact is budget neutral.			



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1	FFFFF.1. The Department of Medical Assistance Services shall accept from any county,			
2	city, or town provider assessment funds that have been collected, pursuant to an			
3	ordinance, from inpatient hospitals to make Medicaid supplemental payments pursuant to			
4	the State Plan for Medical Assistance Services amendments 11-018 and 11-019. The			
5	Department of Medical Assistance Services shall pay such funds into the state treasury to			
6	be credited to the Medicaid Supplemental Payment Program Fund established in			
7	subsection 2.			
8	2. There is hereby created in the state treasury a special nonreverting fund to be known as			
9	the Medicaid Supplemental Payment Program Fund, referred to in this section as "the			
10	Fund." The Fund shall be established on the books of the Comptroller. All funds accepted			
11	by the Department of Medical Assistance Services from any county, city, or town to make			
12	Medicaid supplemental payments pursuant to the State Plan for Medical Assistance			
13	Services amendments 11-018 and 11-019 shall be paid into the state treasury and credited			
14	to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be			
15	credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of			
16	each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys			
17	in the Fund shall be used solely for the purpose of funding the non-federal share of the			
18	Medicaid supplemental payment programs authorized by the State Plan for Medical			
19	Assistance Services amendments 11-018 and 11-019. Expenditures and disbursements			
20	from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller			
21	upon written request signed by the Director of the Department of Medical Assistance			
22	Services.			
23	3. Medicaid supplemental payments authorized under amendments 11-018 and 11-019 are			
24	strictly applicable to the period October 25, 2011 through June 30, 2017 and will			
25	necessarily be applied against the private hospital upper payment limit for each state fiscal			
26	year therein. No Medicaid supplemental payments authorized under amendments 11-018			
27	and 11-019 may apply to any state fiscal year or any related private hospital upper			
28	payment limit beginning July 1, 2017.			
29	4. In the event of any federal disallowance action associated with Medicaid supplemental			
30	payments paid to qualifying hospitals by the Department of Medical Assistance Services			
31	under the authority of amendments 11-018 and 11-019, hospitals in receipt of the			
32	Medicaid supplemental payments in dispute or the hospital health system owner shall			
33	return to the Department of Medical Assistance Services all federal funds associated with			
34	the Medicaid supplemental payments subject to the disallowance action.			
35	5. The authority of a local government to enact an ordinance to impose an assessment			
36	shall be governed by the charter of such local government or pursuant to the Uniform			
37	Charters Powers Act.			
38	6. The authority of the Department of Medical Assistance Services to appropriate monies			
39	under amendments 11-018 and 11-019 shall only be permitted as authorized in the budget.			
40	7. The Department of Medicaid Assistance services shall retain five percent of the federal			
41	funding for state costs related to administration of the supplemental payment program and			
42	shall deposit such funds into the Health Care Fund.			
43	8. The provisions of this paragraph are contingent on approval from CMS waiving the two			
44	year timely filing requirement and federal approval of the local provider assessment			
45	program.			
46	GGGGG. The Department of Medical Assistance Services shall review reimbursement of			
47	services covered under the state's Medicaid program provided by local education agencies			
48	to Medicaid eligible children and determine what services can be covered outside of a			
49	student's Individualized Education Plan consistent with federal rules and regulations. The			
50	department shall evaluate options to consider to allow school divisions to draw down			
51	additional federal resources in supporting the needs of school children. The department			
52	shall report its findings and recommendations to the Chairs of the House Appropriations			
53	and Senate Finance and Appropriations Committees by December 15, 2020.			
54	HHHHH. Free-standing emergency departments, also referred to as dedicated emergency			
55	departments as defined in 42 C.F.R. § 489.24(b) that operate as a department of a hospital			

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1	subject to requirements of the federal Emergency Medical Treatment and Labor Act (42				
2	U.S.C. § 1395dd), and is located off the main hospital campus or in an independent facility,				
3	shall submit to the payor upon billing for services rendered (i) the campus location in which				
4	their services were rendered, and (ii) an indicator specifying that the services were rendered in				
5	a free-standing emergency department.				
6	IIIII.1. Effective July 1, 2021, the Department of Medical Assistance Services shall have the				
7	authority to amend the State Plan of Medical Assistance under Title XIX of the Social				
8	Security Act to provide a comprehensive dental benefit to adults. The department shall work				
9	with its Dental Advisory Committee, including members of the Virginia Dental Association,				
10	the Virginia Health Catalyst, the Virginia Commonwealth University School of Dentistry, the				
11	Virginia Dental Hygienists Association, the Virginia Health Care Association, a				
12	representative of the developmental and intellectual disability community, the Virginia				
13	Department of Health and the administrator of the Smiles for Children program to develop the				
14	benefit. The benefit shall be modeled after the existing benefit for pregnant women. The				
15	benefit shall include preventive and restorative services and shall not include any cosmetic				
16	services or orthodontic services. The Dental Advisory Committee shall design a benefit that				
17	does not exceed the appropriated funds to provide such services. The department shall work				
18	with its dental benefit administrator, the Virginia Dental Association, the Virginia Association				
19	of Free and Charitable Clinics, the Virginia Community Healthcare Association and other				
20	stakeholders to ensure an adequate network of providers and awareness among beneficiaries.				
21	The department shall report to the Chairs of the House Appropriations and Senate Finance				
22	and Appropriations Committees on the benefit design and plans for the implementation of the				
23	benefit by November 1, 2020. The department shall have authority to promulgate emergency				
24	regulations to implement these changes within 280 days or less from the enactment date of				
25	this act.				
26	2. The Department of Planning and Budget shall have the authority to transfer appropriation				
27	from Item 317 to Item 316 in this act, as needed, to fund the administrative costs of				
28	implementing the new Medicaid dental benefit for adults if the existing appropriation in Item				
29	316 is insufficient.				
30	JJJJ. The Department of Medical Assistance Services shall conduct a review of other state				
31	methods and strategies for providing sick leave to personal care attendants and evaluate				
32	feasible options for the Commonwealth to consider. The department shall report its findings				
33	and recommendations to the Chairs of the House Appropriations and Senate Finance and				
34	Appropriations Committees by November 1, 2020.				
35	KKKKK.1. The Department of Medical Assistance Services, in collaboration with the				
36	Virginia Department of Social Services, state workforce agencies and programs, and				
37	appropriate stakeholders, shall develop a referral system designed to connect current and				
38	newly eligible Medicaid enrollees to employment, training, education assistance and other				
39	support services. The department shall review current federal law and regulations that may				
40	allow through State Plan amendments, contracts, or other policy changes, the department to				
41	support such a referral program. The department shall provide new enrollees in the Medicaid				
42	program, that have been identified as being potentially unemployed or underemployed with				
43	information on all available state and federal programs available to them that offer training,				
44	education assistance or other types of employment support services. The department shall				
45	work with its contracted managed care organizations to facilitate referrals to employment				
46	related services. To the degree that resources are available in other state agencies or from				
47	federal grants to support the referral program and existing authority permits such use, the				
48	department shall coordinate the use of such programs to provide assistance to Medicaid				
49	enrollees.				
50	2. The department shall report on development of the referral program and make				
51	recommendations to the Chairs of the House Appropriations and Senate Finance and				
52	Appropriations Committees by October 1, 2020.				
53	LLLLL.1. The Department of Medical Assistance Services shall increase nursing home and				
54	specialized care per diem rates by \$20 per day per patient effective until June 30, 2021, and				
55	by \$15 per day effective July 1, 2021. Such adjustment shall be made through existing				
56	managed care capitation rates as a mandated specified rate increase. DMAS shall adjust				
57	capitation rates to account for the nursing facility rate increase. The department shall have the				

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1	authority to file all necessary regulatory authorities without delay, make any necessary			
2	contract changes, and implement these reimbursement changes without regard to existing			
3	regulations. The specified rate increase in this paragraph applies across fee-for-service and			
4	Medicaid managed care.			
5	2.a. The Department of Medical Assistance Services (DMAS) shall work with appropriate			
6	nursing facility (NF) stakeholders and the CCC Plus managed care organizations (MCOs)			
7	to develop a unified, value-based purchasing (VBP) program that includes enhanced			
8	funding for facilities that meet or exceed performance and/or improvement thresholds as			
9	developed, reported, and consistently measured by DMAS in cooperation with			
10	participating facilities. The methodology and timing for the Virginia nursing facility VBP			
11	program, including structures for nursing facility performance accountability and			
12	disbursement of earned financial incentives, shall be completed no later than December			
13	31, 2021, with the program targeted to begin no later than July 1, 2022. Nursing facility			
14	performance evaluation under the program shall prioritize maintenance of adequate			
15	staffing levels and avoidance of negative care events, such as hospital admissions and			
16	emergency department visits. The program may also consider performance evaluation in			
17	the areas of preventive care, utilization of home and community based services, including			
18	community transitions, and other relevant domains of care.			
19	b. During the first year of this program, half of the available funding shall be distributed to			
20	participating nursing facilities to be invested in functions, staffing, and other efforts			
21	necessary to build their capacity to enhance the quality of care furnished to Medicaid			
22	members. The size of such payments shall be based on the nursing facility size as			
23	determined by the average number of Medicaid members enrolled with the nursing			
24	facility. The remaining funding shall be allocated based on performance criteria as			
25	designated under the nursing facility VBP Program. The amount of funding devoted to			
26	nursing facility quality of care investments shall be 25 percent of available funding in the			
27	second year of the program before the program transitions to payments based solely on			
28	nursing facility performance criteria in the third year of the program. In the third year of			
29	this program, such funds as appropriated for this purpose shall be fully disbursed			
30	according to the aforementioned unified VBP arrangement to participating nursing			
31	facilities that qualify for the enhanced funding.			
32	c. The department shall convene the stakeholders no less than annually through at least the			
33	first two years of the program to review program progress and discuss potential			
34	modifications to components of the arrangement, including, but not limited to, timing of			
35	enhanced payments, performance metrics, and threshold determinations. The department			
36	shall implement the necessary regulatory changes and other necessary measures to be			
37	consistent with federal approval of any appropriate changes to the state plan or relevant			
38	waivers thereof, and prior to the completion of any regulatory process undertaken to effect			
39	such change.			
40	MMMMM. The Department of Medical Assistance Services (DMAS) shall modify the			
41	disbursement methodology for the State's allocation of federal CARES Act funding to			
42	nursing facilities and assisted living facilities to define eligible costs for reimbursement			
43	from this funding as COVID-related costs incurred since March 12, 2020, or as far back as			
44	the CARES Act allows.			
45	NNNNN. The Department of Medical Assistance Services shall submit a request to amend			
46	its 1915(c) Home and Community-Based Services (HCBS) waivers with an Emergency			
47	Preparedness and Response Appendix K to the Centers for Medicare and Medicaid			
48	Services to allow telehealth and virtual and/or distance learning for Group Day, Supported			
49	Employment and Benefits Planning services for the duration of the Governor's declared			
50	state of emergency due to the COVID-19 pandemic or until the Appendix K expires. The			
51	department shall have the authority to implement this change prior to the completion of			
52	the regulatory process.			
53	OOOOO. The Department of Medical Assistance Services shall allow Medicaid agency-			
54	directed personal care and respite services to conduct telephonic supervisory visits by a			
55	licensed nurse (either a registered nurse or a licensed practical nurse (LPN)). A registered			
56	nurse must conduct the supervisory visit at least every 90 calendar days with the LPN			
57	making any other supervisory visits during that time. The department's forms shall be used			

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1	to document the interaction during these phone calls and shall meet the standards already				
2	established by the department to include verbal consent, authorization, and confirmation of				
3	participation. This flexibility shall remain in place only for the duration of the Governor's				
4	declared state of emergency due to the COVID-19 pandemic.				
5	PPPPP. The Department of Medical Assistance Services shall seek federal authority through				
6	waiver and State Plan amendments under Titles XIX and XXI of the Social Security Act to				
7	expand the Preferred Office-Based Opioid Treatment (OBOT) model to include individuals				
8	with substance use disorders (SUD) that are covered in the Addiction and Recovery				
9	Treatment Services (ARTS) benefit. The department shall have the authority to promulgate				
10	emergency regulations to implement these amendments within 280 days or less from the				
11	enactment of this Act. The department shall have the authority to implement these changes				
12	prior to completion of any regulatory process undertaken in order to effect such change.				
13	QQQQQ. The Department of Medical Assistance Services shall seek federal authority				
14	through waiver and State Plan amendments under Titles XIX and XXI of the Social Security				
15	Act to expand the definition of durable medical equipment per 42 CFR 440.70 (b) (3), so that				
16	the definition is no longer limited to items primarily used in the home but also extends to any				
17	setting where normal activities take place. The Department shall have the authority to				
18	promulgate emergency regulations to implement this amendment within 280 days or less from				
19	the enactment of this Act. The department shall have the authority to implement these changes				
20	prior to completion of any regulatory process undertaken in order to effect such change.				
21	RRRRR. The Department of Medical Assistance Services (DMAS) is authorized to amend the				
22	State Plan for Medical Assistance Services to implement a supplemental Medicaid payment				
23	for Department of Veterans Services (DVS) state government-owned nursing facilities. The				
24	total supplemental Medicaid payment for DVS state government owned nursing homes shall				
25	be based on the difference between the Upper Payment Limit of 42 CFR 447.272, as approved				
26	by the Centers for Medicare and Medicaid Services (CMS), and all other Medicaid payments				
27	subject to such limit made to such nursing homes. DMAS shall not submit any State Plan				
28	amendment to CMS that implements this payment until DMAS enters into an				
29	intergovernmental agreement with DVS. This agreement shall include the following				
30	provisions: 1) DVS shall transfer funds to DMAS for use as the state share of the full cost of				
31	the supplemental Medicaid payment for which each nursing home is entitled; 2) DVS must				
32	demonstrate that it has the authority and ability to transfer the necessary funds to DMAS; and,				
33	3) DVS shall attest that any funds provided for state match will comply with federal law for				
34	use as the state share for the supplemental Medicaid payment. If DVS is unable to enter into				
35	or comply with the provisions of such an intergovernmental agreement, then DMAS shall				
36	immediately modify the Medicaid State Plan and adjust any supplemental payments				
37	accordingly. DMAS shall have the authority to implement the reimbursement changes				
38	consistent with the effective date in the State Plan amendment approved by CMS and prior to				
39	the completion of any regulatory process undertaken in order to effect such change.				
40	SSSSS. Out of amounts appropriated in the items for this agency, \$1,739,306 the second year				
41	from the general fund and \$3,805,694 the second year from nongeneral funds is provided to				
42	offset systems costs incurred by managed care organizations (MCO) as a result of complying				
43	with the federal requirements associated with the Interoperability and Patient Access Final				
44	Rule and the 21st Century Cures Act. Beginning with FY 2023 MCO contracts, the				
45	Department of Medical Assistance Services shall adjust capitation rates to remove all one-				
46	time funding associated with this effort.				
47	TTTTT. The Department of Medical Assistance Services shall update its regulations to reflect				
48	the Department of Behavioral Health and Developmental Services licensing criteria for the				
49	American Society of Addiction Medicine (ASAM) Level of Care 4.0. The Department shall				
50	have the authority to promulgate emergency regulations to implement this amendment within				
51	280 days or less from the enactment of this Act. The department shall have the authority to				
52	implement these changes prior to completion of any regulatory process undertaken in order to				
53	effect such change.				
54	UUUUU. The Department of Medical Assistance Services shall amend the State Plan for				
55	Medical Assistance to authorize the reimbursement, using a budget neutral methodology, of				
56	pharmacy-administered immunizations for all vaccinations covered under the medical benefit				
57	for Medicaid members. Reimbursement for fee-for-service members shall be the cost of the				

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1	vaccine plus an administration fee not to exceed \$16. Reimbursement for pharmacy-			
2	administered vaccinations for pediatric Medicaid members eligible for free vaccinations			
3	through the Vaccines For Children (VFC) program shall include only the administration			
4	fee. The Department is authorized to set the administration fee for COVID-19 vaccines at			
5	the same level as Medicare reimbursement for such vaccines. The Department shall			
6	promulgate regulations to become effective within 280 days or less from the enactment			
7	date of this Act to implement this change.			
8	VVVVV. The Department of Medical Assistance Services shall amend the State Plan for			
9	Medical Assistance to authorize coverage for clinically appropriate audio-only services,			
10	provider-to-provider consultations, store-and-forward, and virtual check-ins with patients.			
11	The Department shall promulgate regulations to become effective within 280 days or less			
12	from the enactment date of this Act to implement this change.			
13	WWWWW. The Department of Medical Assistance Services shall amend the State Plan			
14	for Medical Assistance to authorize coverage of community doula services for Medicaid-			
15	enrolled pregnant women. Services shall include up to 8 prenatal/postpartum visits, and			
16	support during labor and delivery. The Department shall also implement up to two			
17	linkage-to-care incentive payments for postpartum and newborn care.			
18	XXXXX.1. Out of this appropriation, \$995,742 the second year from the general fund and			
19	\$995,742 the second year from nongeneral funds shall be used to fund the cost of COVID-			
20	19 vaccinations for non-expansion adults in the Medicaid fee-for-service and managed			
21	care programs. The Department of Medical Assistance Services (DMAS) shall have the			
22	authority to make necessary changes to waivers and/or the Medicaid state plan to			
23	implement this change and ensure that all adult Medicaid members have access to			
24	COVID-19 vaccinations. The department shall have the authority to implement such			
25	changes effective upon passage of this Act, and prior to the completion of any regulatory			
26	process undertaken in order to effect such changes.			
27	2. By August 1, 2021, DMAS shall develop a report that details all COVID-19 vaccination			
28	costs incurred in FY 2021 and a projection of FY 2022 costs. This report shall include, at a			
29	minimum, a breakdown of spending by purpose and fund as well as the impact on			
30	managed care capitated payments. DMAS shall provide this report to the Director,			
31	Department of Planning and Budget and the Chairmen of the House Appropriations and			
32	Senate Finance and Appropriations Committees upon completion.			
33	YYYYY. The Department of Medical Assistance Services shall amend the Medicaid and			
34	CHIP State Plans to authorize prescriptions of contraceptives up to a 12 month supply for			
35	eligible beneficiaries in the Medicaid and CHIP programs. The department shall have the			
36	authority to promulgate emergency regulations to implement these amendments within			
37	280 days or less from the enactment of this Act.			
38	ZZZZZ. The Department of Medical Assistance Services shall modify agency policy			
39	manuals to affirm coverage of services related to gender dysphoria for Medicaid members.			
40	AAAAA. The Department shall amend the State Plan for Medical Assistance to allow			
41	payment of medical assistance services delivered to Medicaid-eligible students when such			
42	services qualify for reimbursement by the Virginia Medicaid program and may be			
43	provided by school divisions, regardless of whether the student receiving care has an			
44	individualized education program or whether the health care service is included in a			
45	student's individualized education program. Such services shall include those covered			
46	under the state plan for medical assistance services or by the Early and Periodic Screening,			
47	Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social			
48	Security Act, and shall include a provision for payment of medical assistance for health			
49	care services provided through telemedicine services, as defined in § 38.2-3418.16. No			
50	health care provider who provides health care services through telemedicine shall be			
51	required to use proprietary technology or applications in order to be reimbursed for			
52	providing telemedicine services.			
53	BBBBBB. The Department of Medical Assistance Services shall seek federal authority			
54	through waiver and State Plan amendments under Title XIX of the Social Security Act to			
55	provide sick leave to providers of consumer-directed personal, respite or companion care.			

ITEM 313.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	CCCCCC. The Department of Medical Assistance Services is authorized to amend the State				
2	Plan under Title XIX of the Social Security Act to add coverage for the current procedural				
3	terminology (CPT) codes for Applied Behavioral Analysis that were added to the CPT list in				
4	January 2019, or any future updates to these CPT codes. The department shall have the				
5	authority to implement related programmatic changes to service definitions, prior				
6	authorization and utilization review criteria, provider qualifications, and reimbursement rates				
7	for the Behavioral Therapy Program. The department shall have the authority to implement				
8	these changes effective December 1, 2021, and prior to completion of any regulatory process				
9	to effect such changes.				
10	DDDDDD. The Department of Medical Assistance Services, in coordination with the				
11	Department of Behavioral Health and Developmental Services, shall submit a request to the				
12	Centers for Medicare and Medicaid Services to amend its 1915(c) Home & Community-				
13	Based Services (HCBS) waivers to allow telehealth and virtual and/or distance learning as a				
14	permanent service option and accommodation for individuals on the Community Living,				
15	Family and Individual Services and Building Independence Waivers. The amendment, at a				
16	minimum, shall include all services currently authorized for telehealth and virtual options				
17	during the COVID-19 pandemic. The departments shall actively work with the established				
18	Developmental Disability Waiver Advisory Committee and other appropriate stakeholders in				
19	the development of the amendment including service elements and rate methodologies. The				
20	department shall have the authority to implement these changes prior to the completion of the				
21	regulatory process.				
22	EEEEEE. The Department of Medical Assistance Services (DMAS) shall convene a				
23	workgroup and make recommendations on a Medicaid home-visiting benefit to support				
24	members' health, access to care and health equity. The workgroup shall include				
25	representatives from DMAS, Managed Care Organizations, the Virginia Department of				
26	Health, the Department of Health Professions, licensed and unlicensed providers of maternal				
27	and child health services, Early Impact Virginia, stakeholder groups, and community				
28	organizations. The workgroup shall: (i) analyze federal and state regulations and funding				
29	mechanisms impacting establishment of a Medicaid home visiting benefit; (ii) review home				
30	visiting strategies and benefits implemented in other state Medicaid programs; (iii) analyze				
31	and make recommendations on appropriate services and rates to be included in a Medicaid				
32	home visiting benefit; and (iv) project estimated costs over the next five years. The				
33	department shall report on the results and recommendations of the workgroup to the Chairs of				
34	the House Appropriations and Senate Finance and Appropriations Committees by December				
35	1, 2021.				
36	FFFFFF. It is the intent of the General Assembly that from any additional federal funding that				
37	is provided to the Commonwealth to offset the economic impacts from COVID-19 that a				
38	portion of such funding shall be set aside and allocated to provide support payments to				
39	Medicaid Developmental Disability Waiver providers that have experienced a significant				
40	disruption in operations and revenue during the COVID-19 public health emergency (PHE).				
41	The Department of Medical Assistance Services, in collaboration with the Department of				
42	Behavioral Health and Developmental Services, the Virginia Network of Private Providers,				
43	the Virginia Association of Community Rehabilitation Programs (vaACCSES),				
44	representatives of different types of waiver providers, and other appropriate stakeholders shall				
45	develop criteria to determine the eligibility for and the amount of the support payments. The				
46	criteria shall prioritize providers that have received no other state or federal assistance to date				
47	during the PHE, other waiver providers that have received some limited assistance from state				
48	and federal sources, and waiver providers that are at risk of closing due to the PHE disruption				
49	and for which the Commonwealth needs to maintain an adequate provider network such that				
50	when the PHE emergency ends there are sufficient providers to meet the service needs of				
51	Medicaid members.				
52	GGGGGG. The Department of Medical Assistance Services shall defer the next scheduled				
53	nursing facility rate rebasing for one year in order to utilize the calendar year 2021 cost				
54	reports as the base year. The deferred year's rates would reflect the prior year rates inflated				
55	according to the existing reimbursement regulations. The department shall have the authority				
56	to implement these changes effective July 1, 2021 and prior to the completion of any				
57	regulatory process undertaken in order to effect such change.				
58	HHHHHH. The Department of Medical Assistance Services shall analyze utilization of				

ITEM 313.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Transportation Network Company (TNC) Type II Non Emergency Medicaid			
2	Transportation (NEMT) providers by the Medicaid fee-for-service program and the			
3	department's contracted Medicaid managed care organizations. The department shall			
4	identify any barriers to patient access to TNC Type II NEMT services. In its review of			
5	barriers to accessing TNC Type II NEMT benefits, the department shall identify any gaps			
6	in TNC Type II service contracting between the department's contracted MCOs, or their			
7	transportation brokers and TNC Type II NEMT providers. Additionally, the department			
8	shall examine the eligible patient population for TNC Type II NEMT services to ensure all			
9	clinically indicated Medicaid beneficiaries are eligible for TNC Type II NEMT services.			
10	Further, the department shall examine the necessity of TNC Type II operating			
11	requirements and identify any extraneous service requirements limiting TNC Type II			
12	services. The department shall report its findings and recommendations to the Chairs of			
13	the House Appropriations and Senate Finance and Appropriations Committees by October			
14	1, 2021.			
15	IIIIII.1. The Department of Medical Assistance Services shall have the authority to amend			
16	the State Plan for Medical Assistance to adjust the formula for indirect medical education			
17	(IME) reimbursement for managed care discharges for freestanding children's hospitals			
18	with greater than 50 percent Medicaid utilization in 2009 by increasing the case mix			
19	adjustment factor to 2.718. This increased case mix index (CMI) factor shall take			
20	precedence over future rebasing. Total payments for IME in combination with other			
21	payments for freestanding children's hospitals with greater than 50 percent Medicaid			
22	utilization in 2009 may not exceed the federal uncompensated care cost limit that			
23	disproportionate share hospital payments are subject to. The department shall have the			
24	authority to implement these changes prior to completion of any regulatory process			
25	undertaken in order to effect such change.			
26	2. The Department of Medical Assistance Services shall work with the freestanding			
27	children's hospitals to assess the method used to determine the case mix adjustment factor			
28	and what factors may be influencing changes that result in significant funding shifts when			
29	rebasings occurs.			
30	JJJJJ. The Department of Medical Assistance Services, shall convene a work group to			
31	plan for implementing a pilot program to provide mobile vision clinic services to			
32	Medicaid, FAMIS and MCHIP children in a school-based setting. The work group shall be			
33	comprised of Medicaid managed care organizations, mobile vision providers, school			
34	districts with and without these services, the Virginia Department of Education and others			
35	as appropriate. The work group shall determine the scope and design of the pilot program,			
36	including (i) the referral process for initial and follow-up services (ii) who shall provide			
37	the services, (iii) how parents or legal guardians will be notified, (iv) the role of school			
38	districts and the Department of Education in screening and referring children to the			
39	program, (iv) reimbursement rates for services that consider access, quality, and cost			
40	effectiveness of services provided, (v) detailed cost estimates of the pilot program, and			
41	(vi) a mechanism for evaluating the pilot program, The Department shall report on the			
42	recommendations of the workgroup by October 15, 2021 to the Governor and General			
43	Assembly.			
44	KKKKKK. The Department of Medical Assistance Services (DMAS) shall research the			
45	implications of eliminating restrictive Medicaid eligibility requirements through a "1634			
46	agreement" with the Social Security Administration (SSA) which will allow for automatic			
47	enrollment of Supplemental Security Income (SSI) recipients into Virginia's Medicaid			
48	program as categorically eligible individuals. DMAS shall report on its findings, including			
49	cost and programmatic changes that would be necessary to effect such changes by October			
50	1, 2021 to the Governor and General Assembly.			
51	LLLLLL. Notwithstanding the provisions of Item 479.10 of this Act, the Director of the			
52	Department of Planning and Budget shall have the authority to appropriate additional			
53	federal Medicaid revenue for current services as provided for in the American Rescue Plan			
54	Act of 2021 (ARPA). However, no expansion of Medicaid programs or services shall be			
55	implemented with ARPA funds unless specifically authorized by the General Assembly.			
56	Any state funds offset by this additional federal revenue shall remain unspent and shall be			
57	retained until expenditure of such funds is reauthorized and appropriated by the General			
58	Assembly.			

ITEM 313.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	<i>MMMMMM. The Department of Medical Assistance Services shall amend the state plans</i>				
2	<i>under Titles XIX and XXI of the Social Security Act, and any waivers thereof as necessary to</i>				
3	<i>remove co-payments for enrollees. Such change shall be effective April 1, 2022, or upon</i>				
4	<i>expiration of the federal public health emergency related to the Coronavirus Disease 2019</i>				
5	<i>(COVID-19) pandemic, whichever is earlier. DMAS shall have the authority to implement this</i>				
6	<i>change prior to the completion of any regulatory process.</i>				
7	<i>NNNNNN. The Department of Medical Assistance Services shall seek federal authority</i>				
8	<i>through a State Plan Amendment to exclude excess resources accumulated by individuals</i>				
9	<i>receiving Long-term supports and services (LTSS) during the federal Public Health</i>				
10	<i>Emergency (PHE) for a period of 12 months beginning at the end of the federal PHE. The</i>				
11	<i>department shall have the authority to implement this exclusion prior to the completion of any</i>				
12	<i>regulatory process undertaken in order to effect such change.</i>				
13	<i>OOOOOO. Freestanding children's hospitals with more than 50 percent Medicaid utilization</i>				
14	<i>in fiscal year 2009 shall not have to reimburse the Commonwealth of Virginia for the non-</i>				
15	<i>federal share of any refunds of disproportionate share hospitals (DSH) payments for the</i>				
16	<i>period of June 2, 2017 through June 30, 2020. This action is limited to refunds required under</i>				
17	<i>federal court decisions in connection to calculation of members with dual eligibility or third-</i>				
18	<i>party liability.</i>				
19	314.	Not set out.			
20	315.	Medical Assistance Services for Low Income			
21		Children (46600).....			\$216,174,386
22					\$229,857,696
23		Reimbursements for Medical Services Provided to			\$221,360,078
24		Low-Income Children (46601).....			\$216,174,386
25					\$229,857,696
26		Fund Sources: General.....			\$71,584,053
27					\$67,964,391
28		Federal Trust.....			\$158,273,643
29					\$153,395,687
30	Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles				
31	XIX and XXI, Social Security Act, Federal Code.				
32	To the extent that appropriations in this Item are insufficient, the Department of Planning and				
33	Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance				
34	Program Delivery (44600) and Medicaid Program Services (45600), if available, into this				
35	Item to be used as state match for federal Title XXI funds.				
36	316.	Not set out.			
37	317.	Not set out.			
38	317.10	Not set out.			
39	Total for Department of Medical Assistance Services.			\$17,072,684,492	\$18,580,300,482
40					\$19,014,726,270
41	General Fund Positions.....			260.02	263.02
42	Nongeneral Fund Positions.....			269.98	272.98
43	Position Level.....			530.00	536.00
44	Fund Sources: General.....			\$4,545,328,030	\$5,552,084,073
45					\$4,766,570,401
46	Special.....			\$2,810,000	\$3,829,800
47	Dedicated Special Revenue.....			\$1,421,551,201	\$1,485,854,349
48					\$1,566,583,584
49	Federal Trust.....			\$11,102,995,261	\$11,538,532,260
50					\$12,677,742,485



ITEM 317.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>§ 1-20. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)</b>			
<b>2</b>	318.	Not set out.		
<b>3</b>	319.	Not set out.		
<b>4</b>	320.	Administrative and Support Services (49900).....		\$122,462,281
<b>5</b>				\$114,854,911
<b>6</b>		General Management and Direction (49901).....	\$21,016,747	\$21,016,747
<b>7</b>		Information Technology Services (49902).....	\$43,783,399	<del>\$38,138,105</del>
<b>8</b>				\$38,699,980
<b>9</b>		Architectural and Engineering Services (49904).....	\$2,731,753	\$2,731,753
<b>10</b>		Collection and Locator Services (49905).....	\$3,195,236	\$3,195,236
<b>11</b>		Human Resources Services (49914).....	\$615,324	\$615,324
<b>12</b>		Planning and Evaluation Services (49916).....	\$3,626	\$3,626
<b>13</b>		Program Development and Coordination (49933)....	\$51,116,196	<del>\$49,154,120</del>
<b>14</b>				\$49,504,120
<b>15</b>		Fund Sources: General.....	\$63,970,461	<del>\$69,619,931</del>
<b>16</b>				\$70,531,806
<b>17</b>		Special.....	\$20,996,019	\$15,692,537
<b>18</b>		Dedicated Special Revenue.....	\$8,200,000	\$0
<b>19</b>		Federal Trust.....	\$29,295,801	\$29,542,443
<b>20</b>	Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2,			
<b>21</b>	Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.			
<b>22</b>	A. The Commissioner, Department of Behavioral Health and Developmental Services			
<b>23</b>	shall, at the beginning of each fiscal year, establish the current capacity for each facility			
<b>24</b>	within the system. When a facility becomes full, the commissioner or his designee shall			
<b>25</b>	give notice of the fact to all sheriffs.			
<b>26</b>	B. The Commissioner, Department of Behavioral Health and Developmental Services			
<b>27</b>	shall work in conjunction with community services boards to develop and implement a			
<b>28</b>	graduated plan for the discharge of eligible facility clients to the greatest extent possible,			
<b>29</b>	utilizing savings generated from statewide gains in system efficiencies.			
<b>30</b>	C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia,			
<b>31</b>	the Department of Behavioral Health and Developmental Services is hereby authorized to			
<b>32</b>	deposit the entire proceeds of the sales of surplus land at state-owned behavioral health			
<b>33</b>	and intellectual disability facilities into a revolving trust fund. The trust fund may initially			
<b>34</b>	be used for expenses associated with restructuring such facilities. Remaining proceeds			
<b>35</b>	after such expenses shall be dedicated to continuing services for current patients as facility			
<b>36</b>	services are restructured.			
<b>37</b>	D. The Department of Behavioral Health and Developmental Services shall identify and			
<b>38</b>	create opportunities for public-private partnerships and develop the incentives necessary			
<b>39</b>	to establish and maintain an adequate supply of acute-care psychiatric beds for children			
<b>40</b>	and adolescents.			
<b>41</b>	E. The Department of Behavioral Health and Developmental Services, in cooperation with			
<b>42</b>	the Department of Juvenile Justice, where appropriate, shall identify and create			
<b>43</b>	opportunities for public-private partnerships and develop the incentives necessary to			
<b>44</b>	establish and maintain an adequate supply of residential beds for the treatment of juveniles			
<b>45</b>	with behavioral health treatment needs, including those who are mentally retarded,			
<b>46</b>	aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization			
<b>47</b>	but not psychiatric hospitalization.			
<b>48</b>	F. Out of this appropriation, \$730,788 the first year and \$730,788 the second year from the			
<b>49</b>	general fund shall be provided for placement and restoration services for juveniles found			
<b>50</b>	to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of			
<b>51</b>	Virginia.			

ITEM 320.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
2	general fund shall be used to pay for legal and medical examinations needed for individuals				
3	living in the community and in need of guardianship services.				
4	H.1. Out of this appropriation, \$554,975 the first year and \$554,975 the second year from the				
5	general fund shall be provided for clinical evaluations and court testimony for sexually violent				
6	predators who are being considered for release from state correctional facilities and who will				
7	be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state				
8	seeking civil commitment				
9	2. Out of this appropriation, \$2,628,360 the first year and \$2,864,912 the second year from the				
10	general fund shall be provided for conditional release services, including treatment, and costs				
11	associated with contracting with Global Positioning System service to closely monitor the				
12	movements of individuals who are civilly committed to the sexually violent predator program				
13	but conditionally released as provided by the Department of Corrections, outlined in the				
14	Memorandum of Understanding between the two agencies and pursuant to §37.2-912 of the				
15	Code of Virginia.				
16	I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the				
17	general fund shall be used to operate a real-time reporting system for public and private acute				
18	psychiatric beds in the Commonwealth.				
19	J. The Department of Behavioral Health and Developmental Services shall submit a report to				
20	the Governor and the Chairmen of the House Appropriations and Senate Finance Committees				
21	no later than December 1 of each year for the preceding fiscal year that provides information				
22	on the operation of Virginia's publicly-funded behavioral health and developmental services				
23	system. The report shall include a brief narrative and data on the numbers of individuals				
24	receiving state facility services or CSB services, including purchased inpatient psychiatric				
25	services, the types and amounts of services received by these individuals, and CSB and state				
26	facility service capacities, staffing, revenues, and expenditures. The annual report also shall				
27	describe major new initiatives implemented during the past year and shall provide information				
28	on the accomplishment of systemic outcome and performance measures during the year.				
29	K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the				
30	general fund shall be used for a comprehensive statewide suicide prevention program. The				
31	Commissioner of the Department of Behavioral Health and Developmental Services, in				
32	collaboration with the Departments of Health, Education, Veterans Services, Aging and				
33	Rehabilitative Services, and other partners shall develop and implement a statewide program				
34	of public education, evidence-based training, health and behavioral health provider capacity-				
35	building, and related suicide prevention activity.				
36	3. The department shall convene quarterly meetings with authorized representatives, families,				
37	and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to				
38	(i) promote routine collaboration between families and authorized representatives, the				
39	department, community services boards, and private providers; (ii) ensure the successful				
40	transition of training center residents to the community; and (iii) gather input on Medicaid				
41	waiver redesign to better serve individuals with intellectual and developmental disability.				
42	4. In the event that provider capacity cannot meet the needs of individuals transitioning from				
43	training centers to the community, the department shall work with community services boards				
44	and private providers to explore the feasibility of developing (i) a limited number of small				
45	community group homes or intermediate care facilities to meet the needs of residents				
46	transitioning to the community, and/or (ii) a regional support center to provide specialty				
47	services to individuals with intellectual and developmental disabilities whose medical, dental,				
48	rehabilitative or other special needs cannot be met by community providers. The				
49	Commissioner shall report on these efforts to the House Appropriations and Senate Finance				
50	Committees as part of the quarterly report, pursuant to paragraph L.1.				
51	M. The Department of Behavioral Health and Developmental Services in collaboration with				
52	the Department of Medical Assistance Services shall provide a detailed report for each fiscal				
53	year on the budget, expenditures, and number of recipients for each specific intellectual				
54	disability (ID) and developmental disability (DD) service provided through the Medicaid				
55	program or other programs in the Department of Behavioral Health and Developmental				
56	Services. This report shall also include the overall budget and expenditures for the ID, DD				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	and Day Support waivers separately. The Department of Medical Assistance Services				
2	shall provide the necessary information to the Department of Behavioral Health and				
3	Developmental Services 90 days after the end of each fiscal year. This information shall				
4	be published on the Department of Behavioral Health and Developmental Services'				
5	website within 120 days after the end of each fiscal year.				
6	N. Effective July 1, 2015, the Department of Behavioral Health and Developmental				
7	Services shall not charge any fee to Community Services Boards or private providers for				
8	use of the knowledge center, an on-line training system.				
9	O. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from				
10	the general fund shall be used to provide mental health first aid training and certification				
11	to recognize and respond to mental or emotional distress. Funding shall be used to cover				
12	the cost of personnel dedicated to this activity, training, manuals, and certification for all				
13	those receiving the training.				
14	P. Out of this appropriation, \$752,170 the first year and \$752,170 the second year from the				
15	general fund is provided to establish community support teams responsible for the				
16	development and oversight of a continuum of integrated community settings for				
17	individuals leaving state hospitals.				
18	Q. The Department of Behavioral Health and Developmental Services and the Department				
19	of Medical Assistance Services shall recognize Certified Employment Support				
20	Professional (CESP) and Association of Community Rehabilitation Educators (ACRE)				
21	certifications in lieu of competency requirements for supported employment staff in the				
22	developmental disability Medicaid waiver programs to allow providers that are				
23	Department of Aging and Rehabilitative Services (DARS) vendors that hold a national				
24	three-year accreditation from the National Council on Accreditation of Rehabilitation				
25	Facilities (CARF) to be deemed qualified to meet employment competency requirements.				
26	R. The Department of General Services, in cooperation with the Department of Behavioral				
27	Health and Developmental Services, shall work with James City County to identify a				
28	minimum of 10 acres on the Eastern State Hospital site for the location of a new facility				
29	for Colonial Behavioral Health, which may or may not include a joint facility with Olde				
30	Towne Medical Center. The subject acres shall be transferred to James City County upon				
31	such terms and conditions as may be agreed to by the parties.				
32	S.1. The Department of Behavioral Health and Developmental Services for each fiscal				
33	year shall report the number of waiver slots, by waiver, that becomes available for				
34	reallocation during the year. In addition, the department shall report on the allocation of				
35	emergency waiver slots and reserve slots, which shall include how many slots were				
36	allocated in the year and for which waiver. The information on reserve slots shall indicate				
37	for which waiver the reserve slot was used and the waiver from which the individual				
38	moved that was granted the slot. Furthermore, the report shall show the allocations by				
39	each Community Services Board from new waiver slots, emergency slots and reserve slots				
40	for the year. The department shall submit this report for the prior fiscal year, ending June				
41	30, by September 1 of each year.				
42	2. The department shall report within 30 days after the close of each quarter, the number				
43	of new slots for the fiscal year that have been allocated by Community Services and of				
44	those how many are accessing services. The report shall be provided on the department's				
45	website.				
46	T.1. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the				
47	general fund is provided for compensation to individuals who were involuntarily sterilized				
48	pursuant to the Virginia Eugenic Sterilization Act and who were living as of February 1,				
49	2015. Any funds that are appropriated but remain unspent at the end of the fiscal year shall				
50	be carried forward into the subsequent fiscal year in order to provide compensation to				
51	individuals who qualify for compensation.				
52	2. A claim may be submitted on behalf of an individual by a person lawfully authorized to				
53	act on the individual's behalf. A claim may be submitted by the estate of or personal				
54	representative of an individual who died on or after February 1, 2015.				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. Reimbursement shall be contingent on the individual or their representative providing				
2	appropriate documentation and information to certify the claim under guidelines established				
3	by the department.				
4	4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding				
5	being available, with disbursements being prioritized based on the date at which sufficient				
6	documentation is provided.				
7	5. Should the funding provided in the paragraph be exhausted prior to the end of the fiscal				
8	year, the department may use available special fund revenue balances to provide				
9	compensation. The department shall report to the Governor and the Chairmen of the House				
10	Appropriations and Senate Finance Committees on a quarterly basis on the number of				
11	additional individuals who have applied.				
12	U. The Department of Behavioral Health and Development Services and the Department of				
13	Medical Assistance Services shall not implement the proposed individualized supports budget				
14	process for the Medicaid Community Living, Family and Individual Support and Building				
15	Independence Waiver programs without the explicit authorization of the General Assembly				
16	through legislation or authorizing budget language.				
17	V. The Department of Behavioral Health and Developmental Services shall report on the				
18	allocation and funding for Programs of Assertive Community Treatment (PACT) in the				
19	Commonwealth. The report shall include information on the cost of each team, the cost per				
20	individual served and the cost effectiveness of each PACT in diverting individuals from state				
21	and local hospitalization and stabilizing individuals in the community. The department shall				
22	provide the report to the Chairmen of the House Appropriations and Senate Finance				
23	Committees by November 1, of each year.				
24	W. The Department of Behavioral Health and Developmental Services shall work with the				
25	Fairfax-Falls Church Community Services Board, and the provider, to ensure that future				
26	openings for the Miller House in Falls Church allow residents of Falls Church, that have been				
27	allocated a developmental disability waiver slot, be given first choice in the Miller House, if				
28	the group home is appropriate to meet their needs. In addition, the department shall work with				
29	the Community Services Board and the City of Falls Church to explore options for				
30	establishing a special allocation within the Community Services Board allocation of waiver				
31	slots for Falls Church residents who are on the Priority One waiting list and could live in the				
32	Miller House when future openings occur in the group home.				
33	X. The Department of Behavioral Health and Developmental Services shall lease 25 acres of				
34	land at Eastern State Hospital to Hope Family Village Corporation for one dollar for the				
35	development of a village of residence and common areas to create a culture of self-care and				
36	neighborly support for families and their loved ones impacted by serious mental illness. The				
37	department shall work with the Hope Family Village Corporation to identify a 25 acre plot of				
38	land that is suitable for the project.				
39	Y. The Department of Behavioral Health and Developmental Services shall report a detailed				
40	accounting, annually, of the agency's organization and operations. This report shall include an				
41	organizational chart that shows all full- and part-time positions (by job title) employed by the				
42	agency as well as the current management structure and unit responsibilities. The report shall				
43	also provide a summary of organization changes implemented over the previous year. The				
44	report shall be made available on the department's website by August 15, of each year.				
45	Z.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in				
46	collaboration with the Secretary of Health and Human Resources and the Department of				
47	Behavioral Health and Developmental Services, shall continue to monitor and review the				
48	status of the closure of Central Virginia Training Center. As part of this review process the				
49	joint subcommittee may evaluate options for those individuals in any remaining training				
50	centers with the most intensive medical and behavioral needs to determine the appropriate				
51	types of facility or residential settings necessary to ensure the care and safety of those				
52	residents is appropriately factored into the overall plan to transition to a more community-				
53	based system. In addition, the joint subcommittee may review any plans for the redesign of				
54	the Intellectual Disability, Developmental Disability and Day Support Waivers.				
55	2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental				

ITEM 320.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Services shall provide a quarterly accounting of the costs to operate and maintain any			
2	remaining training centers at a level of detail as determined by the joint subcommittee.			
3	The quarterly reports for the first, second and third quarter shall be due to the joint			
4	subcommittee 20 days after the close of the quarter. The fourth quarter report shall be due			
5	on August 15 of each year.			
6	AA. Notwithstanding the provisions of the Acts of Assembly, Chapter 610, of the 2019			
7	Session or any other provision of law, the Department of General Services is hereby			
8	authorized to sell, pursuant to § 2.2-1156, certain real property in Carroll County outside			
9	the town of Hillsville on which the former Southwestern Virginia Training Center was			
10	situated, subject to the following conditions: (1) the sale price shall be, at a minimum, an			
11	amount sufficient to fully cover any debt or other financial obligations currently on the			
12	property; (2) the purchaser shall be responsible for all transactional expenses associated			
13	with the transfer of the property; and (3) the sale shall be made to a health care company			
14	that agrees to use the property for the provision of health care services for a minimum of			
15	five years established through a deed restriction.			
16	BB. Included in this item is \$150,000 the first year and \$150,000 the second year from the			
17	general fund to support substance abuse treatment utilizing appropriate, long-acting,			
18	injectable prescription drug treatment regimens ("treatment") used in conjunction with			
19	drug treatment court programs. Such treatment may be utilized in approved drug treatment			
20	court programs. In allocating such funding, the department shall consider the rate of			
21	fatalities within the locality, whether a drug treatment court program is available and			
22	whether such program utilizes medication-assisted treatment. The drug treatment court			
23	programs utilizing this funding shall use these resources to support provider fees,			
24	counseling and patient monitoring for participants, and medication to participants in which			
25	the costs of treatment services would not otherwise be covered. The Department of			
26	Behavioral Health and Developmental Services shall submit a report to the Chairs of the			
27	House Appropriations and Senate Finance and Appropriations Committees no later than			
28	December 1 of each year for the preceding fiscal year that provides information on the			
29	number of participants, the number of drug courts that utilized the funding and the number			
30	of treatments administered. Any adult drug treatment court that accesses this funding shall			
31	provide all necessary information to the Department of Behavioral Health and			
32	Developmental Services to prepare this report.			
33	CC.1. Out of this appropriation, \$3,750,000 the first year and \$7,500,000 the second year			
34	from the general fund is provided for the Department of Behavioral Health and			
35	Developmental Services (DBHDS) to pursue alternative inpatient options to state			
36	behavioral health hospital care or to increase capacity in the community for patients on the			
37	Extraordinary Barriers List through the establishment of two-year pilot projects that will			
38	reduce census pressures on state hospitals. Proposals shall be evaluated on: (i) the			
39	expected impact on state hospital bed use, including the impact on the extraordinary			
40	barrier list; (ii) the speed by which the project can become operational; (iii) the start-up			
41	and ongoing costs of the project; (iv) the sustainability of the project without the use of			
42	ongoing general funds; (v) the alignment between the project target population and the			
43	population currently being admitted to state hospitals; and (vi) the applicant's history of			
44	success in meeting the needs of the target population. No project shall be allocated more			
45	than \$2.5 million each year. Projects may include public-private partnerships, to include			
46	contracts with private entities. The department shall give preference to projects that serve			
47	individuals who would otherwise be admitted to a state hospital operated by DBHDS, that			
48	can be rapidly implemented, and provide the best long-term outcomes for patients.			
49	Consideration may be given to regional projects addressing comprehensive psychiatric			
50	emergency services, complex medical and neuro-developmental needs of children and			
51	adolescents receiving inpatient behavioral health services, and addressing complex			
52	medical needs of adults receiving inpatient behavioral health services. Any unexpended			
53	balance in this appropriation on June 30, 2021, shall be reappropriated for this purpose in			
54	the next fiscal year to fund project costs.			
55	2. The department shall report quarterly on projects awarded with details on each project			
56	and its projected impact on the state behavioral health hospital census. The report shall be			
57	submitted to the Chairs of House Appropriations and Senate Finance and Appropriations			
58	Committees no later than 30 days after each quarter ends.			

ITEM 320.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. Notwithstanding any other provision of law, the contracts DBHDS enters into pursuant to				
2	paragraph AA.1. shall be exempt from competition as otherwise required by the Virginia				
3	Public Procurement Act (§§ 2.2-4300 through 2.2-4377, Code of Virginia).				
4	DD. The Department of Behavioral Health and Developmental Services, in collaboration with				
5	the Department of General Services, shall establish a workgroup to inventory the department's				
6	vacant and surplus properties and buildings and develop a plan for the potential disposition of				
7	those properties. The plan shall include various cost options for the demolition of buildings,				
8	environmental remediation, options to fund bond defeasance costs, or other costs necessary to				
9	prepare the property to be sold or utilized for a different purpose. The workgroup shall				
10	initially focus on the Central Virginia Training Center in Madison Heights, vacant buildings				
11	at the Southwestern Virginia Mental Health Institute in Marion, and the previous Southern				
12	Virginia Training Center in Petersburg. The department shall submit the plan by November				
13	15, 2020 to the Chairs of the House Appropriations and Senate Finance and Appropriations				
14	Committees.				
15	EE. The Department of Behavioral Health and Developmental Services shall conduct a review				
16	of the Commonwealth's Sexually Violent Predator Program to examine programmatic and				
17	community options that could reduce the number of individuals that are committed to the				
18	Virginia Center for Behavioral Health. The department shall report on these options to the				
19	Chairs of the House Appropriations and Senate Finance and Appropriations Committees by				
20	October 1, 2020.				
21	FF. The Department of Behavioral Health and Developmental Services shall develop a plan to				
22	convert Crisis Intervention Team Assessment Centers (CITACs) to 24-hour, seven-day				
23	operations and moving toward regional CITAC sites. This plan shall include the costs and				
24	recommended areas of the Commonwealth for at least three assessment centers in fiscal year				
25	2022. The department shall submit the plan to the Chairs of the House Appropriations and				
26	Senate Finance and Appropriations Committees by October 1, 2020.				
27	GG. The Department of Behavioral Health and Developmental Services is authorized to				
28	collaborate with the Children's Hospital of the King's Daughters (CHKD) to develop a				
29	memorandum of understanding (MOU) for dedicating a portion of the future bed capacity of a				
30	60-bed mental health hospital at CHKD for use in providing treatment services to children or				
31	adolescents that may otherwise be admitted to the Commonwealth Center for Children and				
32	Adolescents (CCCA). The MOU should detail the priority populations that would be best				
33	served at CHKD and that assists the Commonwealth in reducing census pressure on CCCA.				
34	As part of the MOU the department and CHKD shall develop an estimated financial				
35	contribution for the potential benefit of such an arrangement to the Commonwealth. The				
36	department shall report on the details of the MOU to the Governor and the Chairs of the				
37	House Appropriations and Senate Finance and Appropriations Committees by November 1,				
38	2020.				
39	HH. Out of this appropriation, \$940,000 the first year and \$940,000 the second year from the				
40	general fund shall be provided to Commonwealth Autism Services to assist in coordination of				
41	services for people with developmental disabilities in regards to autism assessments and				
42	services in Virginia.				
43	II. The Department of Behavioral Health and Developmental Services shall continue the				
44	Temporary Detention Order Evaluator Workgroup established pursuant to Chapters 918 and				
45	919 of the 2020 Acts of Assembly. The workgroup shall report its implementation plan to the				
46	Governor, and Chairs of the House Health, Welfare, and Institutions Committee, the Senate				
47	Education and Health Committee, and the Joint Subcommittee to Study Mental Health				
48	Services in the Commonwealth in the 21st Century by December 1, 2021.				
49	JJ. The Department of Behavioral Health and Developmental Services shall establish a				
50	workgroup to review the current processes and barriers to sharing relevant patient information				
51	between community hospitals and Community Services Boards for shared patients subject to				
52	an Emergency Custody Order and under evaluation for a Temporary Detention Order. The				
53	department shall report its findings and recommendations to the Joint Subcommittee to Study				
54	Mental Health Services in the Commonwealth in the 21st Century by December 1, 2021.				
55	KK. The Department of Behavioral Health and Developmental Services shall preserve				
56	historic microfiche records at Central State Hospital and work with interested partners to				

ITEM 320.		Item Details(\$)		Appropriations(\$)	
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1	digitize such records to be added to the Central State Hospital Digital Library and				
2	Archives Project in order to make such information publicly available to researchers or				
3	other interested parties.				
4	LL. The Department of Behavioral Health and Developmental Services, in collaboration				
5	with the Virginia Treatment Center for Children (VTCC), shall examine and develop				
6	strategies to better utilize VTCC in assisting with relief for the census pressures on the				
7	Commonwealth Center for Children and Adolescents (CCCA). The strategies to be				
8	examined shall include, but are not limited to: (i) diversion strategies when CCCA is near				
9	capacity; (ii) increasing the number of Temporary Detention Order admissions; and (iii)				
10	operating as a step-down facility from CCCA. The department shall report its finding and				
11	recommendations to the Chairs of the House Appropriations and Senate Finance and				
12	Appropriations Committees and the the Joint Subcommittee to Study Mental Health				
13	Services in the Commonwealth in the 21st Century by November 1, 2021.				
14	MM. The Department of Behavioral Health and Developmental Services, in cooperation				
15	with the Department of Medical Assistance Services, the Medicaid managed care				
16	organizations, and the Community Services Boards/Behavioral Health Authority, shall				
17	report on current efforts to provide early psychosis intervention and coordinated specialty				
18	care for children, adolescents and young adults in need of services. The report shall				
19	include a summary of current services, funding and programmatic issues to address				
20	treatment and care of this population, as well as planned efforts and recommendations to				
21	expand and improve care for this population. The report shall be provided to the Chairs of				
22	the House Appropriations and Senate Finance and Appropriations Committees and the				
23	Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st				
24	Century by November 15, 2021.				
25	NN.1. The Department of Behavioral Health and Developmental Services (DBHDS), in				
26	coordination with the Department of Medical Assistance Services (DMAS), shall convene				
27	a workgroup with the established DBHDS Provider Issue Resolution Workgroup, VNPP,				
28	VaACCSES, VACSB, the Arc of Virginia, Community Services Boards, representatives				
29	of waiver recipients, representatives of individuals on the waiting list for a developmental				
30	disability (DD) waiver and other appropriate stakeholders to review issues with existing				
31	rates and rate methodologies for DD waiver services and make recommendations on				
32	needed changes. The department is authorized to use existing resources to contract with a				
33	vendor to conduct any additional analysis that may be useful in analyzing specific issues				
34	being considered by the workgroup. The workgroup shall specifically evaluate the rates				
35	for the Supported Living Residential waiver service to ensure appropriate utilization of				
36	that service. Any findings or recommendations shall be submitted to the Chairs of the				
37	House Appropriations and Senate Finance and Appropriations Committees by November				
38	1, 2021.				
39	2. The workgroup shall conduct an analysis of current Medicaid Developmental Disability				
40	(DD) waiver waitlists and develop plans for reducing the waitlist for individuals to access				
41	DD waiver services. The plan, along with projected costs, shall be submitted to the Chairs				
42	of the House Appropriations and Senate Finance and Appropriations Committees by				
43	November 1, 2021.				
44	321. Not set out.				
45	321.10 Not set out.				
46	Total for Department of Behavioral Health and				
47	Developmental Services.....			\$171,782,630	\$181,185,667
48					\$182,097,542
49	General Fund Positions.....	475.50	482.50		
50	Nongeneral Fund Positions.....	31.75	31.75		
51	Position Level.....	507.25	514.25		
52	Fund Sources: General.....	\$109,721,284	\$135,030,522		
53			\$135,942,397		
54	Special.....	\$21,152,603	\$15,849,121		
55	Dedicated Special Revenue.....	\$11,200,000	\$0		

ITEM 321.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Federal Trust.....	\$29,708,743	\$30,306,024		
2	<b>Grants to Localities (790)</b>				
3	322. Financial Assistance for Health Services (44500).....			\$513,713,787	\$556,815,857
4					\$558,815,857
5	Community Substance Abuse Services (44501).....	\$122,527,688	\$122,527,688		
6	Community Mental Health Services (44506).....	\$292,129,083	<del>\$332,606,513</del>		
7			\$334,606,513		
8	Community Developmental Disability Services				
9	(44507).....	\$99,057,016	\$101,681,656		
10	Fund Sources: General.....	\$419,913,787	<del>\$466,815,857</del>		
11			\$468,815,857		
12	Dedicated Special Revenue.....	\$3,800,000	\$0		
13	Federal Trust.....	\$90,000,000	\$90,000,000		
14	Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.				
15	A. It is the intent of the General Assembly that community mental health, intellectual				
16	disability and substance abuse services are to be improved throughout the state. Funds				
17	provided in this Item shall not be used to supplant the funding effort provided by localities for				
18	services existing as of June 30, 1996.				
19	B. Further, it is the intent of the General Assembly that funds appropriated for this Item may				
20	be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in				
21	accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the				
22	provision of residential services funded by this Item.				
23	C. Out of the appropriation for this Item, funds are provided to Community Services Boards				
24	in an amount sufficient to reimburse the Virginia Housing Development Authority for				
25	principal and interest payments on residential projects for the mentally disabled financed by				
26	the Housing Authority.				
27	D. The Department of Behavioral Health and Developmental Services shall make payments to				
28	the Community Services Boards from this Item in twenty-four equal semimonthly				
29	installments, except for necessary budget revisions or the operational phase-in of new				
30	programs.				
31	E. Failure of a board to participate in Medicaid covered services and to meet all requirements				
32	for provider participation shall result in the termination of a like amount of state grant				
33	support.				
34	F. Community Services Boards may establish a line of credit loan for up to three months'				
35	operating expenses to assure adequate cash flow.				
36	G. Out of this appropriation \$190,000 the first year and \$190,000 the second year from the				
37	general fund shall be provided to Virginia Commonwealth University for the continued				
38	operation and expansion of the Virginia Autism Resource Center.				
39	H.1. Out of this appropriation, \$22,306,813 the first year and \$23,656,453 the second year				
40	from the general fund shall be provided for Virginia's Part C Early Intervention System for				
41	infants and toddlers with disabilities.				
42	2. By November 15 of each year, the department shall report to the Chairmen of the House				
43	Appropriations and Senate Finance Committees on the (a) total revenues used to support Part				
44	C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and				
45	families served using all Part C revenues, and (d) services provided to those infants, toddlers,				
46	and families.				
47	I. Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the				
48	general fund shall be provided for mental health services for children and adolescents with				
49	serious emotional disturbances and related disorders, with priority placed on those children				
50	who, absent services, are at-risk for custody relinquishment, as determined by the Family and				
51	Assessment Planning Team of the locality. The Department of Behavioral Health and				



ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Developmental Services shall provide these funds to Community Services Boards through				
2	the annual Performance Contract. These funds shall be used exclusively for children and				
3	adolescents, not mandated for services under the Comprehensive Services Act for At-Risk				
4	Youth, who are identified and assessed through the Family and Assessment Planning				
5	Teams and approved by the Community Policy and Management Teams of the localities.				
6	The department shall provide these funds to the Community Services Boards based on an				
7	individualized plan of care methodology.				
8	J. The Commissioner, Department of Behavioral Health and Developmental Services shall				
9	allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal				
10	Community Mental Health Services Block Grant for two specialized geriatric mental				
11	health services programs. One program shall be located in Health Planning Region II and				
12	one shall be located in Health Planning Region V. The programs shall serve elderly				
13	populations with mental illness who are transitioning from state mental health geriatric				
14	units to the community or who are at risk of admission to state mental health geriatric				
15	units. The commissioner is authorized to reduce the allocation in each year in an amount				
16	proportionate to any reduction in the federal Community Mental Health Services Block				
17	Grant funds awarded to the Commonwealth.				
18	K. The Commissioner, Department of Behavioral Health and Developmental Services				
19	shall allocate \$750,000 the first year and \$750,000 the second year from the federal				
20	Community Mental Health Services Block Grant for consumer-directed programs offering				
21	specialized mental health services that promote wellness, recovery and improved self-				
22	management. The commissioner is authorized to reduce the allocation in each year in an				
23	amount proportionate to any reduction in the federal Community Mental Health Services				
24	Block Grant funds awarded to the Commonwealth.				
25	L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year				
26	from the general fund shall be used for jail diversion and reentry services. Funds shall be				
27	distributed to community-based contractors based on need and community preparedness				
28	as determined by the commissioner.				
29	M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year				
30	from the general fund shall be used for treatment and support services for substance use				
31	disorders, including individuals with acquired brain injury and co-occurring substance use				
32	disorders. Funded services shall focus on recovery models and the use of best practices.				
33	N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year				
34	from the general fund shall be used to provide outpatient clinician services to children				
35	with mental health needs. Each Community Services Board shall receive funding as				
36	determined by the commissioner to increase the availability of specialized mental health				
37	services for children. The department shall require that each Community Services Board				
38	receiving these funds agree to cooperate with Court Service Units in their catchment areas				
39	to provide services to mandated and nonmandated children, in their communities, who				
40	have been brought before Juvenile and Domestic Relations Courts and for whom				
41	treatment services are needed to reduce the risk these children pose to themselves and				
42	their communities or who have been referred for services through family assessment and				
43	planning teams through the Comprehensive Services Act for At-Risk Youth and Families.				
44	O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year				
45	from the general fund shall be used to provide emergency services, crisis stabilization				
46	services, case management, and inpatient and outpatient mental health services for				
47	individuals who are in need of emergency mental health services or who meet the criteria				
48	for mental health treatment set forth pursuant to §§ <a href="#">19.2-169.6</a> , <a href="#">19.2-176</a> , <a href="#">19.2-177.1</a> ,				
49	<a href="#">37.2-808</a> , <a href="#">37.2-809</a> , <a href="#">37.2-813</a> , <a href="#">37.2-815</a> , <a href="#">37.2-816</a> , <a href="#">37.2-817</a> and <a href="#">53.1-40.2</a> of the Code of				
50	Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i)				
51	establishing and providing mandatory outpatient treatment, pursuant to House Bill 499				
52	and Senate Bill 246, 2008 Session of General Assembly; and (ii) attendance at involuntary				
53	commitment hearings by community services board staff who have completed the				
54	prescreening report, pursuant to §§ <a href="#">19.2-169.6</a> , <a href="#">19.2-176</a> , <a href="#">19.2-177.1</a> , <a href="#">37.2-808</a> , <a href="#">37.2-809</a> ,				
55	<a href="#">37.2-813</a> , <a href="#">37.2-815</a> , <a href="#">37.2-816</a> , <a href="#">37.2-817</a> and <a href="#">53.1-40.2</a> of the Code of Virginia.				
56	P. Out of this appropriation, \$10,475,000 the first year and \$10,475,000 the second year				
57	from the general fund shall be used to provide community crisis intervention services in				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
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1	each region for individuals with intellectual or developmental disabilities and co-occurring				
2	mental health or behavioral disorders.				
3	Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from				
4	the general fund shall be used for community-based services in Health Planning Region V.				
5	These funds shall be used for services intended to delay or deter placement, or provide				
6	discharge assistance for patients in a state mental health facility.				
7	R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from				
8	the general fund shall be used for crisis stabilization and related services statewide intended to				
9	delay or deter placement in a state mental health facility.				
10	S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from				
11	the general fund shall be used to provide child psychiatry and children's crisis response				
12	services for children with mental health and behavioral disorders. These funds, divided among				
13	the health planning regions based on the current availability of the services, shall be used to				
14	hire or contract with child psychiatrists who can provide direct clinical services, including				
15	crisis response services, as well as training and consultation with other children's health care				
16	providers in the health planning region such as general practitioners, pediatricians, nurse				
17	practitioners, and community service boards staff, to increase their expertise in the prevention,				
18	diagnosis, and treatment of children with mental health disorders. Funds may also be used to				
19	create new or enhance existing community-based crisis response services in a health planning				
20	region, including mobile crisis teams and crisis stabilization services, with the goal of				
21	diverting children from inpatient psychiatric hospitalization to less restrictive services in or				
22	near their communities. The Department of Behavioral Health and Developmental Services				
23	shall include details on the use of these funds in its annual report on the System				
24	Transformation, Excellence and Performance in Virginia (STEP-VA) process.				
25	T.1. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year				
26	from the general fund shall be used for up to 32 drop-off centers to provide an alternative to				
27	incarceration for people with serious mental illness and individuals with acquired brain injury				
28	and co-occurring serious mental health illness. Priority for new funding shall be given to				
29	programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-				
30	187 et seq. of the Code of Virginia and have undergone planning to implement drop-off				
31	centers.				
32	2. Out of this appropriation, \$1,800,000 the first year and \$1,800,000 the second year from the				
33	general fund is provided for Crisis Intervention assessment centers in six unserved rural				
34	communities.				
35	3. Out of this appropriation, \$657,648 the first year and \$657,648 the second year from the				
36	general fund is provided to support CIT initiatives, including basic and advanced CIT training				
37	and law enforcement diversion, through one-time awards for advanced concepts in CIT				
38	Assessment Site programs. The department shall prioritize programs serving rural				
39	communities when determining the distribution of these funds.				
40	U. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from				
41	the general fund shall be for crisis services for children with intellectual or developmental				
42	disabilities.				
43	V. Out of this appropriation, \$35,500,441 the first year and \$35,500,411 the second year from				
44	the general fund shall be used to provide community-based services or acute inpatient services				
45	in a private facility to individuals residing in state hospitals who have been determined				
46	clinically ready for discharge, and for continued services for those individuals currently being				
47	served under a discharge assistance plan. Of this appropriation, \$1,305,000 the first year and				
48	\$1,305,000 the second year shall be allocated for individuals currently or previously residing				
49	at Western State Hospital.				
50	W. Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the				
51	general fund shall be used for telepsychiatry and telemedicine services.				
52	X. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from				
53	the general fund shall be used for community-based mental health outpatient services for				
54	youth and young adults.				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Y. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from				
2	the general fund shall be used to increase mental health inpatient treatment purchased in				
3	community hospitals. Priority shall be given to regions that exhaust available resources				
4	before the end of the year in order to ensure treatment is provided in the community and				
5	do not result in more restrictive placements.				
6	Z.1. Out of this appropriation, \$20,083,710 the first year and \$34,038,710 the second year				
7	from the general fund is provided for programs for permanent supportive housing for				
8	individuals with serious mental illness.				
9	2. The Department of Behavioral Health and Developmental Services shall report on the				
10	number of individuals who are discharged from state behavioral health hospitals who				
11	receive supportive housing services, the number of individuals who are on the hospitals'				
12	extraordinary barrier list who could receive supportive housing services, and the number				
13	of individuals in the community who receive supportive housing services and whether				
14	they are at risk of institutionalization. In addition, the department shall report on the				
15	average length of stay in permanent supportive housing for individuals receiving such				
16	services and report how the funding is reinvested when individuals discontinue receiving				
17	such services. The report shall be provided to the Chairmen of the House Appropriations				
18	and Senate Finance Committee by November 1 of each year.				
19	AA. Out of this appropriation, \$400,000 the first year and \$400,000 the second year is				
20	provided for rental subsidies and associated costs for individuals served through the				
21	Rental Choice VA program.				
22	BB. Out of this appropriation, \$7,897,833 the first year from the general fund and				
23	\$3,800,000 the first year from the Behavioral Health and Developmental Services Trust				
24	Fund and \$13,062,833 the second year from the general fund shall be used for a program				
25	of rental subsidies for individuals with intellectual and developmental disabilities.				
26	CC. Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year				
27	from the general fund is provided to increase access to medication assisted treatment for				
28	individuals with substance use disorders who are addicted to opioids. In expending this				
29	amount, the department shall ensure that a portion of the funding received by the				
30	Community Services Board or Behavioral Health Authority is used for appropriate long-				
31	acting, injectable prescription drug treatment regimens for individuals who are in need of				
32	medication assisted treatment while (i) on probation, (ii) incarcerated, or (iii) upon their				
33	release to the community. The department shall ensure that a portion of the funding				
34	received by the Community Service Board or Behavioral Health Authority is used for				
35	non-narcotic, non-addictive prescription drug treatment regimens for individuals who are				
36	not able for clinical or other reasons to participate in buprenorphine or methadone based				
37	drug treatment regimens. In expending the funding, Community Services Boards or a				
38	Behavioral Health Authority shall also prioritize the use of such funds for individuals who				
39	are not covered by insurance.				
40	DD. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year				
41	from the general fund is provided for community detoxification and sobriety services for				
42	individuals in crisis.				
43	EE. Out of this appropriation, \$880,000 the first year and \$880,000 the second year from				
44	the general fund is provided for one regional, multi-disciplinary team for older adults. This				
45	team shall provide clinical, medical, nursing, and behavioral expertise and psychiatric				
46	services to nursing facilities and assisted living facilities.				
47	FF. Out of this appropriation, \$1,652,400 the first year and \$1,652,400 the second year				
48	from the general fund shall be used to provide permanent supportive housing to pregnant				
49	or parenting women with substance use disorders.				
50	GG. Out of this appropriation, \$11,025,231 the first year and \$2,250,447 the second year				
51	from the general fund shall be used to divert admissions from state hospitals by				
52	purchasing acute inpatient or community-based psychiatric services at private facilities.				
53	HH. Out of this appropriation, \$1,600,000 the first year and \$3,700,800 the second year				
54	from the general fund is provided for discharge planning at jails for individuals with				

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	serious mental illness. Funding shall be used to create staff positions in Community Services				
2	Boards and will be implemented at up to five jails with a high percentage of inmates with				
3	serious mental illness.				
4	II. Out of this appropriation, \$708,663 the first year and \$708,663 the second year from the				
5	general fund is provided to establish an Intercept 2 diversion program in up to three rural				
6	communities. The funding shall be used for staffing and to provide access to treatment				
7	services.				
8	JJ. Out of this appropriation, \$1,100,000 the first year and \$1,100,000 the second year from				
9	the general fund is provided to establish the Appalachian Telemental Health Initiative, a				
10	telemental health pilot program. Any funds that remain unspent at the end of each fiscal year				
11	shall be carried forward to the subsequent fiscal year.				
12	KK. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
13	general fund shall be provided to the Department of Behavioral Health and Developmental				
14	Services to contract with Best Buddies Virginia to expand inclusion services for people with				
15	intellectual and developmental disabilities to the Richmond and Virginia Beach areas of the				
16	state.				
17	LL. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the				
18	general fund is provided to the Fairfax-Falls Church Community Services Board to fully fund				
19	its Program of Assertive Community Treatment (PACT) Team.				
20	MM.1. Out of this appropriation, \$43,035,651 the first year and \$73,222,045 the second year				
21	from the general fund is provided for services by Community Services Boards and Behavioral				
22	Health Authorities pursuant to the System Transformation, Excellence and Performance in				
23	Virginia (STEP-VA) process and Chapters 607 and 683, 2017 Acts of Assembly.				
24	2. Of the amounts in MM.1., \$10,795,651 the first year and \$10,795,651 the second year from				
25	the general fund is provided for same day access to mental health screening services.				
26	3. Of the amounts in MM.1., \$7,440,000 the first year and \$7,440,000 the second year from				
27	the general fund is provided for primary care outpatient screening services.				
28	4. Of the amounts in MM.1., \$15,000,000 the first year and \$21,924,980 the second year from				
29	the general fund is provided for outpatient mental health and substance use services.				
30	5. Out of the amounts in MM.1., \$2,000,000 the first year and \$2,000,000 the second year				
31	from the general fund is provided for crisis detoxification services.				
32	6. Out of the amounts in MM.1., \$7,800,000 the first year and \$13,954,924 the second year				
33	from the general fund is provided for crisis services for individuals with mental health or				
34	substance use disorders.				
35	7. Out of the amounts in MM.1., \$3,840,490 the second year from the general fund is				
36	provided for military and veterans services.				
37	8. Out of the amounts in MM.1., \$5,334,000 the second year from the general fund is				
38	provided for peer support and family services.				
39	9. Out of the amounts in MM.1., and \$3,200,000 the second year from the general fund is				
40	provided for the ancillary costs of expanding services at Community Services Boards and				
41	Behavioral Health Authorities.				
42	10. Out of the amounts in MM.1., \$4,732,000 the second year from the general fund is				
43	provided for the costs of crisis call center dispatch staff.				
44	11. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly,				
45	effective July 1, 2021, the core of services provided by Community Services Boards and				
46	Behavioral Health Authorities within cities and counties that they serve shall include, in				
47	addition to those set forth in subdivisions B 1, 2, and 3 of § 37.2-500 of the Code of Virginia				
48	and subdivisions C 1, 2, and 3 of § 37.2-601 of the Code of Virginia, (i) outpatient mental				
49	health and substance abuse services, (ii) peer support and family support services, and (iii)				
50	mental health services for members of the armed forces located 50 miles or more from a				
51	military treatment facility and veterans located 40 miles or more from a Veterans Health				

ITEM 322.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Administration medical facility. In addition, Community Services Boards and Behavioral			
2	Health Authorities shall continue to expand the availability of crisis services for			
3	individuals with mental health or substance use disorders, as funded in MM.6. of this Item			
4	and Items 313 and 320 of this Act. Psychiatric rehabilitation, care coordination, and case			
5	management services shall not be required services but may be provided subject to			
6	available funding.			
7	OO. Out of this appropriation, \$3,000,000 the second year from the general fund shall be			
8	provided to establish one mental health awareness response and community understanding			
9	services alert system programs and community care teams in each of the Department of			
10	Behavioral Health and Developmental Services' regions pursuant to legislation adopted in			
11	the 2020 Special Session I of the General Assembly. Each region shall receive \$600,000			
12	for this purpose.			
13	PP. The Department of Behavioral Health and Developmental Services is authorized to			
14	collaborate with the Chesapeake Regional Healthcare to develop a memorandum of			
15	understanding (MOU) for dedicating a portion of the future bed capacity of a 20-bed			
16	psychiatric unit at the hospital for use in providing treatment services to individuals that			
17	may otherwise be admitted to a state behavioral health hospital. The MOU should detail			
18	the priority populations that would be best served at Chesapeake Regional Healthcare and			
19	that assists the Commonwealth in reducing census pressure on state behavioral health			
20	hospitals. As part of the MOU the department and Chesapeake Regional Healthcare shall			
21	develop an estimated financial contribution for the potential benefit of such an			
22	arrangement to the Commonwealth. The department shall report on the details of the			
23	MOU to the Governor and the Chairs of the House Appropriations and Senate Finance and			
24	Appropriations Committees by November 1, 2021.			
25	322.10	Not set out.		
26		Total for Grants to Localities.....		\$513,713,787
27				\$556,815,857
28		Fund Sources: General.....	\$419,913,787	\$466,815,857
29				\$468,815,857
30		Dedicated Special Revenue.....	\$3,800,000	\$0
31		Federal Trust.....	\$90,000,000	\$90,000,000
32	<b>Mental Health Treatment Centers (792)</b>			
33	323.	Not set out.		
34	324.	Not set out.		
35	325.	Pharmacy Services (42100).....		\$21,474,408
36				\$21,474,408
37		Inpatient Pharmacy Services (42102).....	\$21,474,408	\$22,016,194
38				\$22,016,194
39		Fund Sources: General.....	\$9,043,318	\$9,043,318
40				\$9,585,104
41		Special.....	\$12,431,090	\$12,431,090
42		Authority: Title 37.2, Chapter 8, Code of Virginia.		
43	326.	State Health Services (43000).....		\$285,852,185
44				\$283,280,002
45		Geriatric Care Services (43006).....	\$50,166,890	\$50,166,890
46		Inpatient Medical Services (43007).....	\$18,344,732	\$18,344,732
47		State Mental Health Facility Services (43014).....	\$217,340,563	\$214,768,380
48				\$228,026,680
49		Fund Sources: General.....	\$254,897,946	\$257,325,763
50				\$270,584,063
51		Special.....	\$30,954,239	\$25,954,239

ITEM 326.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
2	A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the				
3	general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental				
4	Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013. The				
5	Commissioner of the Department of Behavioral Health and Developmental Services shall				
6	ensure continued operation of at least 123 beds.				
7	B. The Department of Behavioral Health and Developmental Services shall report by				
8	November 1 of each year to the Secretary of Finance and the Chairmen of the House				
9	Appropriations and Senate Finance and Appropriations Committees on the number of				
10	individuals served through discharge assistance plans and the types of services provided.				
11	C. Out of this appropriation, \$850,000 the first year and \$850,000 the second year from the				
12	general fund shall be used to provide transition services in alternate settings for children and				
13	adolescents who can be diverted or discharged from state facilities.				
14	D. Out of this appropriation, \$5,000,000 the first year from special funds is provided for the				
15	temporary operation of beds at Catawba Hospital until such time as the additional beds are no				
16	longer needed.				
17	E. Out of this appropriation, \$2,142,601 the first year and \$4,282,202 the second year from				
18	nongeneral funds is provided for the surveillance and testing costs of residents and staff in				
19	order to avoid and manage COVID-19 outbreaks at state facilities. The department shall				
20	coordinate with the Virginia Department of Health (VDH) and local health districts as				
21	appropriate to coordinate its testing and surveillance activities in order to access federal ELC				
22	Enhancing Detection Expansion grant funding provided to VDH through the Centers for				
23	Disease Control. The Department of Behavioral Health and Developmental Services shall				
24	report quarterly to the Secretary of Finance and the Chairmen of the House Appropriations				
25	and Senate Finance and Appropriations Committees on the expense of these funds, including				
26	the number of tests administered.				
27	<i>F. Out of this appropriation, \$9,015,174 the second year from the general fund is provided for</i>				
28	<i>temporary staffing contracts in state facilities. The Department of Behavioral Health and</i>				
29	<i>Developmental Services shall report by June 30, 2022, to the Secretary of Finance and the</i>				
30	<i>Chairmen of the House Appropriations and Senate Finance and Appropriations Committees</i>				
31	<i>on the total expenditure of these funds, and any other funds used for staffing contracts in the</i>				
32	<i>second year.</i>				
33	327. Facility Administrative and Support Services				
34	(49800).....			\$115,728,691	\$115,558,717
35					\$120,728,717
36	General Management and Direction (49801).....	\$51,411,557	<del>\$51,411,557</del>		
37			\$56,581,557		
38	Information Technology Services (49802).....	\$10,511,763	\$10,341,789		
39	Food and Dietary Services (49807).....	\$14,355,702	\$14,355,702		
40	Housekeeping Services (49808).....	\$8,777,438	\$8,777,438		
41	Linen and Laundry Services (49809).....	\$1,701,815	\$1,701,815		
42	Physical Plant Services (49815).....	\$21,940,717	\$21,940,717		
43	Power Plant Operation (49817).....	\$4,236,837	\$4,236,837		
44	Training and Education Services (49825).....	\$2,792,862	\$2,792,862		
45	Fund Sources: General.....	\$100,571,337	<del>\$100,401,363</del>		
46			\$105,571,363		
47	Special.....	\$15,093,854	\$15,093,854		
48	Federal Trust.....	\$63,500	\$63,500		
49	Authority: § 37.2-304, Code of Virginia.				
50	A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the				
51	general fund shall be used to ensure proper billing and maximum reimbursement for				
52	prescription drugs purchased by mental health treatment centers through the Medicare Part D				
53	drug program.				

ITEM 327.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	B. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a				
2	plan to address the capital and programmatic needs of other state mental health facilities				
3	and state mental retardation training centers when considering expenditures from the trust				
4	fund. No less than 30 days prior to the expenditure of funds, the Commissioner shall				
5	present an expenditure plan to the Chairmen of the Senate Finance and House				
6	Appropriations Committees for their review and consideration.				
7	<i>C. Out of this appropriation, \$5,170,000 the second year from the general fund is</i>				
8	<i>provided for the costs associated with providing an emergency kitchen and temporary</i>				
9	<i>office space at Eastern State Hospital. These funds shall remain unallotted until</i>				
10	<i>expenditures are approved by the Director, Department of Planning and Budget. The</i>				
11	<i>Department of Behavioral Health and Developmental Services shall seek reimbursement</i>				
12	<i>through the state's risk management program, or any other applicable insurance, for any</i>				
13	<i>covered expenses. Any balances for the purposes specified in this paragraph which are</i>				
14	<i>unexpended on June 30, 2022 shall not revert to the general fund but shall be carried</i>				
15	<i>forward and reappropriated.</i>				
16	328. Not set out.				
17	328.10 Not set out.				
18	Total for Mental Health Treatment Centers.....			\$446,790,367	\$444,048,210
19					\$463,018,296
20	General Fund Positions.....	4,260.00	4,260.00		
21	Nongeneral Fund Positions.....	613.00	613.00		
22	Position Level.....	4,873.00	4,873.00		
23	Fund Sources: General.....	\$387,661,399	\$389,919,242		
24			\$408,889,328		
25	Special.....	\$58,928,968	\$53,928,968		
26	Federal Trust.....	\$200,000	\$200,000		
27	329. Not set out.				
28	330. Not set out.				
29	331. Not set out.				
30	332. Not set out.				
31	333. Not set out.				
32	334. Not set out.				
33	335. Not set out.				
34	336. Not set out.				
35	337. Not set out.				
36	338. Not set out.				
37	338.10 Not set out.				
38	Grand Total for Department of Behavioral Health			\$1,258,843,183	\$1,291,611,775
39	and Developmental Services.....				\$1,313,493,736
40					
41	General Fund Positions.....	5,635.00	5,735.00		
42	Nongeneral Fund Positions.....	1,247.75	1,247.75		

ITEM 338.10.			Item Details(\$)		Appropriations(\$)	
			First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1		Position Level.....	6,882.75	6,982.75		
2		Fund Sources: General.....	\$987,032,138	\$1,054,501,289		
3				\$1,076,383,250		
4		Special.....	\$136,702,302	\$116,404,462		
5		Dedicated Special Revenue.....	\$15,000,000	\$0		
6		Federal Trust.....	\$120,108,743	\$120,706,024		
7	339.	Not set out.				
8	340.	Not set out.				
9	341.	Not set out.				
10	342.	Not set out.				
11	343.	Not set out.				
12	344.	Not set out.				
13	345.	Not set out.				
14	346.	Not set out.				
15	346.10	Not set out.				
16	347.	Not set out.				
17	348.	Not set out.				
18	348.10	Not set out.				
19		<b>§ 1-21. DEPARTMENT OF SOCIAL SERVICES (765)</b>				
20	349.	Program Management Services (45100).....			\$53,942,409	\$51,486,088
21						\$48,512,957
22		Training and Assistance to Local Staff (45101).....	\$5,177,672	\$5,177,672		
23				\$4,958,667		
24		Central Administration and Quality Assurance for				
25		Benefit Programs (45102).....	\$18,335,051	\$16,482,116		
26				\$13,373,385		
27		Central Administration and Quality Assurance for				
28		Family Services (45103).....	\$13,575,738	\$13,614,597		
29				\$13,263,369		
30		Central Administration and Quality Assurance for				
31		Community Programs (45105).....	\$10,890,414	\$10,845,088		
32				\$12,263,373		
33		Central Administration and Quality Assurance for				
34		Child Care Activities (45107).....	\$5,963,534	\$5,366,615		
35				\$4,654,163		
36		Fund Sources: General.....	\$20,924,807	\$21,892,959		
37				\$20,460,487		
38		Special.....	\$100,000	\$100,000		
39		Dedicated Special Revenue.....	\$0	\$267,722		
40		Federal Trust.....	\$32,917,602	\$29,225,407		
41				\$27,684,748		
42		Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI,				
43		Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,				
44		Federal Code.				



ITEM 349.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	A. The Department of Social Services, in collaboration with the Office of Children's				
2	Services, shall provide training to local staff serving on Family Assessment and Planning				
3	Teams and Community Policy and Management Teams. Training shall include, but need				
4	not be limited to, the federal and state requirements pertaining to the provision of the				
5	foster care services funded under § 2.2-5211, Code of Virginia. The training shall also				
6	include written guidance concerning which services remain the financial responsibility of				
7	the local departments of social services. Training shall be provided on a regional basis at				
8	least once per year. Written guidance shall be updated and provided to local Office of				
9	Children's Services teams whenever there is a change in allowable expenses under federal				
10	or state guidelines. In addition, the Department of Social Services shall provide ongoing				
11	local oversight of its federal and state requirements related to the provision of services				
12	funded under § 2.2-5211, Code of Virginia.				
13	B.1. By November 1 of each year, the Department of Planning and Budget, in cooperation				
14	with the Department of Social Services, shall prepare and submit a forecast of				
15	expenditures for cash assistance provided through the Temporary Assistance for Needy				
16	Families (TANF) program, mandatory child day care services under TANF, foster care				
17	maintenance and adoption subsidy payments, upon which the Governor's budget				
18	recommendations will be based, for the current and subsequent two years to the Chairmen				
19	of the House Appropriations and Senate Finance Committees.				
20	2. The forecast of expenditures shall detail the incremental general fund and federal fund				
21	adjustments required by the forecast each year in the biennial budget. The Department of				
22	Planning and Budget shall convene a meeting on or before October 15 of each year with				
23	the appropriate staff from the Department of Social Services, and the House				
24	Appropriations and Senate Finance Committees to review current trends and assumptions				
25	used in the forecasts prior to their finalization.				
26	C. The Department of Social Services shall provide administrative support and technical				
27	assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established				
28	in Sections 63.2-2100 through 63.2-2103, Code of Virginia.				
29	D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year				
30	from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from				
31	nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance				
32	Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.				
33	E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated				
34	to providing on-going financial oversight of foster care services. Each of the ten positions,				
35	with two working out of each regional office, shall assess and review all foster care				
36	spending to ensure that state and federal standards are met. None of these positions shall				
37	be used for quality, information technology, or clerical functions.				
38	2. By September 1 of each year, the department shall report to the Governor, the Chairmen				
39	of the House Appropriations and Senate Finance Committees, and the Director,				
40	Department of Planning and Budget regarding the foster care program's statewide				
41	spending, error rates and compliance with state and federal reviews.				
42	F. Out of this appropriation, \$187,549 the first year from the Temporary Assistance for				
43	Needy Families block grant shall be provided to manage the summer feeding pilot				
44	program, beginning June 2020 and ending August 2020.				
45	G. The Department of Social Services shall provide an annual report on the activities of				
46	the Office of New Americans by December 1 of each year.				
47	H. Out of this appropriation, \$3,560,858 the first year from the federal Temporary				
48	Assistance for Needy Families (TANF) grant shall be provided to fund a one-time food				
49	benefit payment to families with children enrolled in Head Start.				
50	I. The Department of Social Services shall not implement the Percentage of Income				
51	Payment Program (PIPP) until such time as there is adequate fee revenue from the				
52	universal service fee, collected by utility providers, available to fund the administrative				
53	costs necessary to implement the program, not to exceed \$3.0 million. Maximum				
54	allowable administrative costs are in totality and include costs borne by the Department of				

ITEM 349.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Housing and Community Development for PIPP administration.			
2	J. Out of this appropriation, \$54,309 the second year from the general fund and \$162,926 the			
3	second year from nongeneral funds is provided to implement the Virginia Facilitated			
4	Enrollment Program.			
5	350.	Financial Assistance for Self-Sufficiency Programs		
6		and Services (45200).....		\$287,564,108
7				\$161,677,856
8		Temporary Assistance for Needy Families (TANF)		\$152,165,798
9		Cash Assistance (45201).....	\$74,788,126	<del>\$86,367,358</del>
10				\$81,467,444
11		Temporary Assistance for Needy Families (TANF)		
12		Employment Services (45212).....	\$21,657,833	<del>\$21,657,833</del>
13				\$17,045,689
14		Supplemental Nutrition Assistance Program		
15		Employment and Training (SNAPET) Services		
16		(45213).....	\$1,017,741	\$2,205,341
17		Temporary Assistance for Needy Families (TANF)		
18		Child Care Subsidies (45214).....	\$49,112,179	\$38,707,424
19		At-Risk Child Care Subsidies (45215).....	\$134,283,476	\$5,364,671
20		Unemployed Parents Cash Assistance (45216).....	\$6,704,753	\$7,375,229
21		Fund Sources: General.....	\$80,654,719	\$82,018,853
22		Federal Trust.....	\$206,909,389	<del>\$79,659,003</del>
23				\$70,146,945
24	Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI,			
25	Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended,			
26	Federal Code.			
27	A. It is hereby acknowledged that as of June 30, 2019 there existed with the federal			
28	government an unexpended balance of \$151,404,869 in federal Temporary Assistance for			
29	Needy Families (TANF) block grant funds which are available to the Commonwealth of			
30	Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the			
31	TANF program. Based on projected spending levels and appropriations in this act, the			
32	Commonwealth's accumulated balance for authorized federal TANF block grant funds is			
33	estimated at \$148,126,074 on June 30, 2020; \$96,974,124 on June 30, 2021; and <del>\$35,850,126</del>			
34	<del>\$75,567,334</del> on June 30, 2022.			
35	B. No less than 30 days prior to submitting any amendment to the federal government related			
36	to the State Plan for the Temporary Assistance for Needy Families program, the			
37	Commissioner of the Department of Social Services shall provide the Chairmen of the House			
38	Appropriations and Senate Finance and Appropriations Committees as well as the Director,			
39	Department of Planning and Budget written documentation detailing the proposed policy			
40	changes. This documentation shall include an estimate of the fiscal impact of the proposed			
41	changes and information summarizing public comment that was received on the proposed			
42	changes.			
43	C. Notwithstanding any other provision of state law, the Department of Social Services shall			
44	maintain a separate state program, as that term is defined by federal regulations governing the			
45	Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the			
46	purpose of providing welfare cash assistance payments to able-bodied two-parent families.			
47	The separate state program shall be funded by state funds and operated outside of the TANF			
48	program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as			
49	defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state			
50	program provided for in this paragraph. Although various conditions and eligibility			
51	requirements may be different under the separate state program, the basic benefit payment for			
52	which two-parent families are eligible under the separate state program shall not be less than			
53	what they would have received under TANF. The Department of Social Services shall			
54	establish regulations to govern this separate state program.			
55	D. As a condition of this appropriation, the Department of Social Services shall disregard the			
56	value of one motor vehicle per assistance unit in determining eligibility for cash assistance in			
57	the Temporary Assistance for Needy Families (TANF) program and in the separate state			

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1	program for able-bodied two-parent families.				
2	E. The Department of Social Services, in collaboration with local departments of social				
3	services, shall maintain minimum performance standards for all local departments of				
4	social services participating in the Virginia Initiative for Employment, Not Welfare				
5	(VIEW) program. The department shall allocate VIEW funds to local departments of				
6	social services based on these performance standards and VIEW caseloads. The allocation				
7	formula shall be developed and revised in cooperation with the local social services				
8	departments and the Department of Planning and Budget.				
9	F. A participant whose Temporary Assistance for Needy Families (TANF) financial				
10	assistance is terminated due to the receipt of 24 months of assistance as specified in §				
11	63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion				
12	of 24 months of TANF assistance, excluding cases closed with a sanction for				
13	noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be				
14	eligible to receive employment and training assistance for up to 12 months after				
15	termination, if needed, in addition to other transitional services provided pursuant to §				
16	63.2-611, Code of Virginia.				
17	G. The Department of Social Services, in conjunction with the Department of Correctional				
18	Education, shall identify and apply for federal, private and faith-based grants for pre-				
19	release parenting programs for non-custodial incarcerated parent offenders committed to				
20	the Department of Corrections, including but not limited to the following grant programs:				
21	Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and				
22	Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration,				
23	Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new				
24	grant programs authorized under the federal Temporary Assistance for Needy Families				
25	(TANF) block grant program.				
26	H.1. Out of this appropriation, \$10,703,748 the first year and \$2,500,000 the second year				
27	from nongeneral funds is included for Head Start wraparound child care services.				
28	2. Included in this Item is funding to carry out the former responsibilities of the Virginia				
29	Council on Child Day Care and Early Childhood Programs. Nongeneral fund				
30	appropriations allocated for uses associated with the Head Start program shall not be				
31	transferred for any other use until eligible Head Start families have been fully served. Any				
32	remaining funds may be used to provide services to enrolled low-income families in				
33	accordance with federal and state requirements. Families, who are working or in education				
34	and training programs, with income at or below the poverty level, whose children are				
35	enrolled in Head Start wraparound programs paid for with the federal block grant funding				
36	in this Item shall not be required to pay fees for these wraparound services.				
37	I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from				
38	the general fund and \$72,503,762 the first year and from federal funds shall be provided to				
39	support state child care programs which will be administered on a sliding scale basis to				
40	income eligible families. The sliding fee scale and eligibility criteria are to be set				
41	according to the rules and regulations of the State Board of Social Services, except that the				
42	income eligibility thresholds for child care assistance shall account for variations in the				
43	local cost of living index by metropolitan statistical areas. The Department of Social				
44	Services shall make the necessary amendments to the Child Care and Development Funds				
45	Plan to accomplish this intent. Funds shall be targeted to families who are most in need of				
46	assistance with child care costs. Localities may exceed the standards established by the				
47	state by supplementing state funds with local funds.				
48	J. Out of this appropriation, \$600,000 the first year from nongeneral funds shall be used to				
49	provide scholarships to students in early childhood education and related majors who plan				
50	to work in the field, or already are working in the field, whether in public schools, child				
51	care or other early childhood programs, and who enroll in a state community college or a				
52	state supported senior institution of higher education.				
53	K. Out of this appropriation, \$505,000 the first year from nongeneral funds shall be used				
54	to provide training of individuals in the field of early childhood education.				
55	L. Out of this appropriation, \$300,000 the first year from nongeneral funds shall be used				

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1	to provide child care assistance for children in homeless and domestic violence shelters.				
2	M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the first				
3	year and \$4,800,000 the second year from the federal Temporary Assistance to Needy				
4	Families (TANF) block grant to provide to each TANF recipient with two or more children in				
5	the assistance unit a monthly TANF supplement equal to the amount the Division of Child				
6	Support Enforcement collects up to \$200, less the \$100 disregard passed through to such				
7	recipient. The TANF child support supplement shall be paid within two months following				
8	collection of the child support payment or payments used to determine the amount of such				
9	supplement. For purposes of determining eligibility for medical assistance services, the TANF				
10	supplement described in this paragraph shall be disregarded. In the event there are sufficient				
11	federal TANF funds to provide all other assistance required by the TANF State Plan, the				
12	Commissioner may use unobligated federal TANF block grant funds in excess of this				
13	appropriation to provide the TANF supplement described in this paragraph.				
14	N. The Board of Social Services shall combine Groups I and II for the purposes of Temporary				
15	Assistance to Needy Families cash benefits and use the Group II rates for the new group.				
16	O.1. The Department of Social Services shall increase the Temporary Assistance for Needy				
17	Families (TANF) cash benefits and income eligibility threshold by 15 percent effective July 1,				
18	2020 and 10 percent effective July 1, 2021.				
19	2. The Department of Social Services shall develop a plan to increase the standards of				
20	assistance by 10 percent annually until they equal 50 percent of the federal poverty level.				
21	P. Out of this appropriation, \$5,240,499 the first year from the Temporary Assistance for				
22	Needy Families block grant shall be provided for a one-year summer feeding program pilot.				
23	This pilot shall provide fifty dollars for each of the months of June, July, and August on a				
24	qualifying child's family electronic benefits transaction (EBT) card. The funding shall be used				
25	to purchase meals for qualifying low-income children in areas that are currently unserved by				
26	but summer feeding programs. The pilot shall end on August 31, 2020. The department shall				
27	report on program performance and shall include monthly expenditures, number of children				
28	served, and localities in which children were served. This report shall be provided to the				
29	Governor, Director of the Department of Planning and Budget, and the Chairmen of the				
30	House Appropriations and Senate Finance <i>and Appropriations</i> committees by November 1,				
31	2020.				
32	Q. The Department of Social Services shall study the resource cliff faced by families				
33	receiving public assistance when income increases enough to reduce or terminate the family's				
34	eligibility for public assistance. The report shall address how the structure and terms of				
35	eligibility affect the ability of participants to move toward self-sufficiency. The report shall be				
36	submitted to the Governor and Chairmen of the House Appropriations and Senate Finance				
37	<i>and Appropriations</i> committees on or before August 1, 2021.				
38	R. Out of this appropriation, \$16,600,000 the first year from the Temporary Assistance for				
39	Needy Families block grant shall be transferred to Direct Aid for Public Education to fund				
40	current Virginia Preschool Initiative (VPI) slots.				
41	S. Out of this appropriation, \$16,600,000 the first year from the Child Care Development				
42	Fund block grant balance shall be used to support child care funding in Virginia for TANF				
43	recipients currently receiving child care and for families receiving child care subsidies,				
44	including Head Start wraparound services.				
45	T. Out of this appropriation, \$33,200,000 from federal Child Care Development Block Grant				
46	(CCDBG) funding provided to states in response to the COVID-19 pandemic the first year				
47	shall be used to contract with local partners to provide support to school divisions, local				
48	governments, and other entities, including religious institutions and community centers, for				
49	the provision of space to increase local capacity to provide care for school-age children,				
50	purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable				
51	financial environment for the operation of these programs. School divisions, local				
52	governments, and local departments of social services shall cooperate with local partners				
53	receiving these funds to maximize the number of school-age children served. In addition,				
54	local partners are encouraged to use these funds to support a diverse set of providers with				
55	these funds including existing child day centers, family day homes, religious institutions, and				

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1	other organizations seeking to provide such services. Within this appropriation, any			
2	federal funds for this purpose shall be expended prior to the expenditure of general fund			
3	amounts. Federal funds appropriated for this purpose may also be used to provide child			
4	care provider stabilization funds pursuant to Item 479.10. Federal funds appropriated for			
5	this purpose also may be used for broader purposes within the range of child care services			
6	than those purposes herein.			
7	U. Out of this appropriation, \$211,253 the first year from the federal Temporary			
8	Assistance for Needy Families (TANF) grant shall fund a one-time payment to TANF UP			
9	recipients.			
10	V.1. The Department of Social Services (DSS) and the Department of Education (DOE)			
11	shall ensure that the Temporary Assistance for Needy Families (TANF) Virginia Initiative			
12	for Employment and Work (VIEW) mandated child care forecast is funded through a			
13	combination of general fund, TANF, and Child Care Development Fund (CCDF) grant			
14	dollars. The amount of needed CCDF dollars identified in the Memorandum of Agreement			
15	(MOA) between the agencies shall be transferred from DOE to DSS within the first thirty			
16	days of the fiscal year. DSS shall notify DOE of the required amount of the next fiscal			
17	year transfer upon the enrollment of the budget. This amount shall reflect the need			
18	identified in the official forecast as well as changes resulting from actions in the final			
19	budget.			
20	2. The MOA shall reflect the full cost of the VIEW mandated child care program. From			
21	this amount, \$38,707,424 in the second year is appropriated at DSS and the balance shall			
22	be transferred from DOE from the CCDF grant to support the VIEW mandated child care			
23	program as specified in V.1.			
24	W. Out of this appropriation, \$2,120,420 the second year from the Temporary Assistance			
25	to Needy Families (TANF) block grant shall be provided for the Department of Social			
26	Services to implement a program so that TANF-eligible individuals may save funds in an			
27	individual development account established for the purposes of home purchase, education,			
28	starting a business, transportation, or self-sufficiency. The TANF funds shall be deposited			
29	to the individual development accounts at a match rate determined by the department.			
30	X. Out of this appropriation, \$9,647,528 the first year from the federal Child Care and			
31	Development Fund is provided to temporarily expand the Child Care Subsidy Program,			
32	pursuant to the provisions of House Bill 2206, 2021 Special Session I.			
33	351. Financial Assistance for Local Social Services			
34	Staff (46000).....		\$522,053,226	\$528,611,744
35				\$542,461,819
36	Local Staff and Operations (46010).....	\$522,053,226	\$528,611,744	
37			\$542,461,819	
38	Fund Sources: General.....	\$131,744,226	\$141,809,399	
39			\$141,502,144	
40	Dedicated Special Revenue.....	\$8,659,655	\$9,091,933	
41			\$9,374,916	
42	Federal Trust.....	\$381,649,345	\$377,710,412	
43			\$391,584,759	
44	Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-			
45	193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.			
46	A. The amounts in this Item shall be expended under regulations of the Board of Social			
47	Services to reimburse county and city welfare/social services boards pursuant to § 63.2-			
48	401, Code of Virginia, and subject to the same percentage limitations for other			
49	administrative services performed by county and city public welfare/social services boards			
50	and superintendents of public welfare/social services pursuant to other provisions of the			
51	Code of Virginia, as amended.			
52	B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615			
53	Code of Virginia, all moneys deducted from funds otherwise payable out of the state			
54	treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of			
55	Virginia, shall be credited to the applicable general fund account.			

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1	C. Included in this appropriation are funds to reimburse local social service agencies for				
2	eligibility workers who interview applicants to determine qualification for public assistance				
3	benefits which include but are not limited to: Temporary Assistance for Needy Families				
4	(TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.				
5	D. Included in this appropriation are funds to reimburse local social service agencies for				
6	social workers who deliver program services which include but are not limited to: child and				
7	adult protective services complaint investigations; foster care and adoption services; and adult				
8	services.				
9	E. Out of the federal fund appropriation for local social services staff, amounts estimated at				
10	\$80,000,000 the first year and <del>\$80,000,000</del> \$83,200,000 the second year shall be set aside for				
11	allowable local costs which exceed available general fund reimbursement and amounts				
12	estimated at \$22,000,000 the first year and <del>\$22,000,000</del> \$24,000,000 the second year shall be				
13	set aside to reimburse local governments for allowable costs incurred in administering public				
14	assistance programs.				
15	F. Out of this appropriation, \$562,260 the first year and \$562,260 the second year from the				
16	general fund and \$540,211 the first year and \$540,211 the second year from nongeneral funds				
17	is provided to cover the cost of the health insurance credit for retired local social services				
18	employees.				
19	G. The Department of Social Services shall work with local departments of social services on				
20	a pilot project in the western region of the state to evaluate the available data collected by				
21	local departments on facilitated care arrangements. The department shall, based on the				
22	findings from the pilot project, determine the most appropriate mechanism for collecting and				
23	reporting such data on a statewide basis.				
24	H.1. Out of this appropriation, \$4,527,969 the first year and \$4,527,969 the second year from				
25	the general fund shall be available for the reinvestment of adoption general fund savings as				
26	authorized in Title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
27	2. Of the amount in paragraph H.1. above, \$1,333,031 the first year and \$1,333,031 the				
28	second year from the general fund shall be used to provide Child Protective Services (CPS)				
29	assessments and investigations in response to all reports of children born exposed to				
30	controlled substances regardless of whether the substance had been prescribed to the mother				
31	when she has sought or gained substance abuse counseling or treatment.				
32	I. Out of this appropriation, \$2,150,048 from the general fund and \$2,175,528 from				
33	nongeneral funds the second year shall be provided for a pay band minimum increase in fiscal				
34	year 2022 of 20 percent for the family services positions and a 15 percent increase for benefit				
35	program services positions, self sufficiency services positions and administration positions				
36	that are currently below the new minimum threshold.				
37	352.	Child Support Enforcement Services (46300).....		\$772,017,654	\$770,838,766
38					\$768,160,191
39		Support Enforcement and Collection Services			
40		(46301).....	\$107,111,345	<del>\$105,932,457</del>	
41				\$103,253,882	
42		Public Assistance Child Support Payments (46302)....	\$11,000,000	\$11,000,000	
43		Non-Public Assistance Child Support Payments			
44		(46303).....	\$653,906,309	\$653,906,309	
45		Fund Sources: General.....	\$15,970,085	<del>\$15,970,085</del>	
46				\$12,478,956	
47		Special.....	\$692,842,205	<del>\$691,663,317</del>	
48				\$696,035,943	
49		Federal Trust.....	\$63,205,364	<del>\$63,205,364</del>	
50				\$59,645,292	
51		Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of			
52		Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.			
53		A. Any net revenue from child support enforcement collections, after all disbursements are			
54		made in accordance with state and federal statutes and regulations, and after the state's share			

ITEM 352.	Item Details(\$)		Appropriations(\$)	
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1	of the cost of administering the program is paid, shall be estimated and deposited into the			
2	general fund by June 30 of the fiscal year in which it is collected. Any additional moneys			
3	determined to be available upon final determination of a fiscal year's costs of			
4	administering the program shall be deposited to the general fund by September 1 of the			
5	subsequent fiscal year in which it is collected.			
6	B. In determining eligibility and amounts for cash assistance, pursuant to the Personal			
7	Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193,			
8	the department shall continue to disregard up to \$100 per month in child support payments			
9	and return to recipients of cash assistance up to \$100 per month in child support payments			
10	collected on their behalf.			
11	C. The state share of amounts disbursed to recipients of cash assistance pursuant to			
12	paragraph B of this Item shall be considered part of the Commonwealth's required			
13	Maintenance of Effort spending for the federal Temporary Assistance for Needy Families			
14	program established by the Social Security Act.			
15	D. The department shall expand collections of child support payments through contracts			
16	with private vendors. However, the Department of Social Services and the Office of the			
17	Attorney General shall not contract with any private collection agency, private attorney, or			
18	other private entity for any child support enforcement activity until the State Board of			
19	Social Services has made a written determination that the activity shall be performed			
20	under a proposed contract at a lower cost than if performed by employees of the			
21	Commonwealth.			
22	E. The Division of Child Support Enforcement, in cooperation with the Department of			
23	Medical Assistance Services, shall identify cases for which there is a medical support			
24	order requiring a noncustodial parent to contribute to the medical cost of caring for a child			
25	who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS)			
26	Programs. Once identified, the division shall work with the Department of Medical			
27	Assistance Services to take appropriate enforcement actions to obtain medical support or			
28	repayments for the Medicaid program.			
29	<i>F. Out of this appropriation, \$680,000 in nongeneral funds the second year is</i>			
30	<i>appropriated to support the design, development, and implementation of a modernized</i>			
31	<i>child support technology system.</i>			
32	353. Adult Programs and Services (46800).....		\$40,660,209	\$45,577,762
33	Auxiliary Grants for the Aged, Blind, and Disabled			
34	(46801).....	\$21,998,009	\$26,398,009	
35	Adult In-Home and Supportive Services (46802)....	\$6,822,995	\$6,822,995	
36	Domestic Violence Prevention and Support			
37	Activities (46803).....	\$11,839,205	\$12,356,758	
38	Fund Sources: General.....	\$23,455,181	\$28,372,734	
39	Federal Trust.....	\$17,205,028	\$17,205,028	
40	Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social			
41	Security Act, as amended.			
42	A.1. Effective January 1, <del>2021</del> 2022, the Department of Social Services, in collaboration			
43	with the Department for Aging and Rehabilitative Services, is authorized to base approved			
44	licensed assisted living facility rates for individual facilities on an occupancy rate of 85			
45	percent of licensed capacity, not to exceed a maximum rate of <del>\$1,420 per month and</del>			
46	<del>effective July 1, 2021, a rate of \$1,562</del> \$1,609 per month, which rate is also applied to			
47	approved adult foster care homes, unless modified as indicated below. The department			
48	may add a 15 percent differential to the maximum amount for licensed assisted living			
49	facilities and adult foster care homes in Planning District Eight.			
50	2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant			
51	recipients who reside in licensed assisted living facilities and approved adult foster care			
52	homes shall be \$82 per month, unless modified as indicated below.			
53	3. The Department of Social Services, in collaboration with the Department for Aging and			
54	Rehabilitative Services, is authorized to increase the assisted living facility and adult			

ITEM 353.	Item Details(\$)		Appropriations(\$)		
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1	foster care home rates and/or the personal care allowance cited above on January 1 of each				
2	year in which the federal government increases Supplemental Security Income or Social				
3	Security rates or at any other time that the department determines that an increase is necessary				
4	to ensure that the Commonwealth continues to meet federal requirements for continuing				
5	eligibility for federal financial participation in the Medicaid program. Any such increase is				
6	subject to the prior concurrence of the Department of Planning and Budget. Within thirty days				
7	after its effective date, the Department of Social Services shall report any such increase to the				
8	Governor and the Chairmen of the House Appropriations and Senate Finance <i>and</i>				
9	<i>Appropriations</i> Committees with an explanation of the reasons for the increase.				
10	B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from				
11	the federal Social Services Block Grant shall be allocated to provide adult companion services				
12	for low-income elderly and disabled adults.				
13	C. The toll-free telephone hotline operated by the Department of Social Services to receive				
14	child abuse and neglect complaints shall also be publicized and used by the department to				
15	receive complaints of adult abuse and neglect.				
16	D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the				
17	general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal				
18	Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local				
19	domestic violence programs for purchase of crisis and core services for victims of domestic				
20	violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other				
21	crisis services as a first priority.				
22	E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the				
23	general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds				
24	shall be provided for the purchase of services for victims of domestic violence as stated in §				
25	63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of				
26	Social Services.				
27	F. Out of this appropriation \$1,100,000 the first year and \$1,100,000 the second year from the				
28	general fund and \$2,500,000 the first year and \$2,500,000 the second year from federal				
29	Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local				
30	domestic violence programs for services.				
31	354.	Child Welfare Services (46900).....		\$267,400,227	\$261,635,376
32					\$268,745,955
33		Foster Care Payments (46901).....	\$59,399,725	\$47,565,642	
34				\$53,079,145	
35		Supplemental Child Welfare Activities (46902).....	\$47,181,349	\$43,295,246	
36				\$42,444,246	
37		Adoption Subsidy Payments (46903).....	\$147,409,103	\$148,153,060	
38				\$150,551,464	
39		Prevention Services (46905).....	\$13,410,050	\$22,621,428	
40				\$22,671,100	
41		Fund Sources: General.....	\$106,880,332	\$116,906,146	
42				\$117,073,940	
43		Special.....	\$2,434,593	\$2,434,593	
44		Dedicated Special Revenue.....	\$585,265	\$585,265	
45		Federal Trust.....	\$157,500,037	\$141,709,372	
46				\$148,652,157	
47	Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L.				
48	101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.				
49	A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully				
50	reimbursed except that expenditures otherwise subject to a standard local matching share				
51	under applicable state policy, including local staffing, shall continue to require local match.				
52	The commissioner shall ensure that local social service boards obtain reimbursement for all				
53	children eligible for Title IV-E coverage.				
54	B. The commissioner, in cooperation with the Department of Planning and Budget, shall				
55	establish a reasonable, automatic adjustment for inflation each year to be applied to the room				



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1	and board maximum rates paid to foster parents. However, this provision shall apply only			
2	in fiscal years following a fiscal year in which salary increases are provided for state			
3	employees.			
4	C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from			
5	the general fund shall be provided for the purchase of services for victims child abuse and			
6	neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance			
7	with regulations promulgated by the Board of Social Services.			
8	D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from			
9	the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral			
10	funds shall be provided to continue respite care for foster parents.			
11	E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia,			
12	adoption assistance subsidies and supportive services shall not be available for children			
13	adopted through parental placements, except parental placements where the legal guardian			
14	is a child placing agency at the time of the adoption. This restriction does not apply to			
15	existing adoption assistance agreements.			
16	F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year			
17	from the general fund shall be provided to implement pilot programs that increase the			
18	number of foster care children adopted.			
19	2. Beginning July 1, 2017, the department shall provide an annual report, not later than 45			
20	days after the end of the state fiscal year, on the use and effectiveness of this funding			
21	including, but not limited to, the additional number of special needs children adopted from			
22	foster care as a result of this effort and the types of ongoing supportive services provided,			
23	to the Governor, Chairmen of House Appropriations and Senate Finance <i>and</i>			
24	<i>Appropriations</i> Committees, and the Director, Department of Planning and Budget.			
25	G. Out of this appropriation, \$11,983,748 the first year and <del>\$11,983,748</del> \$9,485,711 the			
26	second year from the general fund and \$7,000,000 the first year and \$7,000,000 the			
27	second year from nongeneral funds shall be provided for special needs adoptions.			
28	H. Out of this appropriation \$55,466,726 the first year and <del>\$59,602,266</del> \$60,798,819 the			
29	second year from the general fund and \$75,602,450 the first year and <del>\$67,608,742</del>			
30	\$73,266,934 the second year from nongeneral funds shall be provided for Title IV-E			
31	adoption subsidies.			
32	I. The Commissioner, Department of Social Services, shall ensure that local departments			
33	that provide independent living services to persons between 18 and 21 years of age make			
34	certain information about and counseling regarding the availability of independent living			
35	services is provided to any person who chooses to leave foster care or who chooses to			
36	terminate independent living services before his twenty-first birthday. Information shall			
37	include the option for restoration of independent living services following termination of			
38	independent living services, and the processes whereby independent living services may			
39	be restored should he choose to seek restoration of such services in accordance with §			
40	63.2-905.1 of the Code of Virginia.			
41	J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of			
42	Social Services shall negotiate all adoption assistance agreements with both existing and			
43	prospective adoptive parents on behalf of local departments of social services. This			
44	provision shall not alter the legal responsibilities of the local departments of social			
45	services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the			
46	adoptive parents to appeal.			
47	2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the			
48	general fund and \$215,900 the first year and \$215,900 the second year from nongeneral			
49	funds shall be provided for five positions to execute these negotiations.			
50	K.1. The Department of Social Services shall partner with Patrick Henry Family Services			
51	to implement a pilot program in the area encompassing Planning District 11 (Amherst,			
52	Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary			
53	placements of children for children and families in crisis. The pilot program will allow a			
54	parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services,			

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1	to delegate to another person by a properly executed power of attorney any powers regarding			
2	care, custody, or property of the minor for a temporary placement for a period that is not			
3	greater than 90 days. The program will allow for an option of a one-time 90 day extension.			
4	2. The department shall ensure that this pilot program meets the following specific			
5	programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:			
6	(i) The pilot program organization shall meet the background check requirements described in			
7	22 VAC 40-191.			
8	(ii) The pilot program organization shall develop and implement written policies and			
9	procedures for governing active and closed cases, admissions, monitoring the administration			
10	of medications, prohibiting corporal punishment, ensuring that children are not subjected to			
11	abuse or neglect, investigating allegations of misconduct toward children, implementing the			
12	child's back-up emergency care plan, assigning designated casework staff, management of all			
13	records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).			
14	(iii) The pilot program organization shall provide pre-service and ongoing training for			
15	temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).			
16	L.1. Out of this appropriation, \$2,925,954 the first year and \$2,925,954 the second year from			
17	the general fund and \$2,886,611 the first year and \$2,886,611 the second year from			
18	nongeneral funds shall be available for the expansion of foster care and adoption assistance as			
19	authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008			
20	(P.L. 110-351; P.L. 11-148).			
21	2. In order to implement the Fostering Futures program, the Department of Social Services			
22	shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8)			
23	(B) (iv) and shall provide the format of an agreement to be signed by the local department of			
24	social services and the youth. The definition of a child for the purpose of the Fostering			
25	Futures program shall be any natural person who has reached the age of 18 years but has not			
26	reached the age of 21. The Department of Social Services shall develop guidance setting out			
27	the requirements for local implementation including a requirement for six-month reviews of			
28	each case and reasons for termination of participation by a youth. The guidance shall also			
29	include a definition of a supervised independent living arrangement which does not include			
30	group homes or residential facilities. Implementation of this program includes the extension			
31	of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet			
32	the program participation requirements set out in guidance by the Department of Social			
33	Services.			
34	3. The Department of Social Services shall issue guidance for the program's eligibility			
35	requirements and shall be available, on a voluntary basis, to an individual upon reaching the			
36	age of 18 who:			
37	(i) was in the custody of a local department of social services either:			
38	(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or			
39	(b) immediately prior to commitment to the Department of Juvenile Justice and is			
40	transitioning from such commitment to self-sufficiency.			
41	(ii) and who is:			
42	(a) completing secondary education or an equivalent credential; or			
43	(b) enrolled in an institution that provides post-secondary or vocational education; or			
44	(c) employed for at least 80 hours per month; or			
45	(d) participating in a program or activity designed to promote employment or remove barriers			
46	to employment; or			
47	(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a			
48	medical condition, which incapability is supported by regularly updated information in the			
49	program participant's case plan.			

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1	4. Implementation of extended foster care services shall be available for those eligible				
2	youth reaching age 18 on or after July 1, 2016.				
3	M.1. Out of this appropriation, \$7,517,668 the first year and \$7,517,668 the second year				
4	from the general fund and \$2,500,000 the first year and \$2,500,000 the second year from				
5	nongeneral funds shall be available for the reinvestment of adoption general fund savings				
6	as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).				
7	2. Of the amounts in paragraph M.1. above, \$3,078,595 the first year and \$3,078,595 the				
8	second year from the general fund shall be used to develop a case management module for				
9	a comprehensive child welfare information system (CCWIS). In the development of the				
10	CCWIS, the department shall not create any future obligation that will require the				
11	appropriation of general fund in excess of that provided in this Act. Should additional				
12	appropriation, in excess of the amounts identified in this paragraph, be needed to complete				
13	development of this or any other module for the CCWIS, the department shall notify the				
14	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i>				
15	Committees, and Director, Department of Planning and Budget.				
16	3. Beginning September 1, 2018, the department shall also provide semi-annual progress				
17	reports that includes current project summary, implementation status, accounting of				
18	project expenditures and future milestones. All reports shall be submitted to the Chairmen				
19	of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees, and				
20	Director, Department of Planning and Budget.				
21	N. Out of this appropriation, \$1,009,563 the first year and \$1,009,563 the second year				
22	from nongeneral funds shall be used to fund ten positions that support the child protective				
23	services hotline.				
24	O. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
25	general fund and \$50,000 the first year and \$50,000 the second year from nongeneral				
26	funds shall be used to fund one position that supports Virginia Fosters.				
27	P. Out of this appropriation, \$851,000 the first year and \$851,000 the second year from the				
28	general fund is provided for training, consultation and technical support, and licensing				
29	costs associated with establishing evidence-based programming as identified in the federal				
30	Family First Prevention Services Act (FFPSA) Evidence-Based Programs Clearinghouse.				
31	Q. The Department of Social Services shall develop a plan to provide access statewide to a				
32	Kinship Navigator Program which will provide services to kinship caregivers who are				
33	having trouble finding assistance for their unique needs and to help these caregivers				
34	navigate their locality's service system, as well as federal and state benefits.				
35	S. The Department of Social Services shall create an emergency approval process for				
36	kinship caregivers and develop foster home certification standards for kinship caregivers				
37	using as a guide the Model Family Foster Home Licensing Standards developed by the				
38	American Bar Association Center on Children and the Law, the Annie E. Casey				
39	Foundation, Generations United, and the National Association for Regulatory				
40	Administration. The adopted standards should align, as much as reasonably possible, to				
41	the Model Family Foster Home Licensing Standards, and should ensure that children in				
42	foster care: (i) live in safe and appropriate homes under local department of social services				
43	and court oversight; (ii) receive monthly financial assistance and supportive services to				
44	help meet their needs; and (iii) can access the permanency options offered by Virginia's				
45	Kinship Guardianship Assistance Program.				
46	T. The Department of Social Services shall offset \$5,000,000 the first year of the general				
47	fund cost of implementing the Family First Prevention Services Act with federal Family				
48	First Transition Act funding for approved services and activities.				
49	U. The Commissioner shall establish a five-year plan for the Commonwealth to prevent				
50	child abuse and neglect. In developing this plan, the Department shall collaborate with the				
51	Department for Behavioral Health & Developmental Services, Department of Health,				
52	Department of Education, Family and Children's Trust and other relevant state agencies				
53	and stakeholders. This plan shall be focused on primary prevention, be trauma informed,				
54	include a public health framework on abuse prevention, promote positive youth				

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1	development, and be asset and strength based. The plan shall reference and coordinate with				
2	any other state plans or programs that deal with issues related to child abuse prevention such				
3	as, but not limited to, teen pregnancy prevention, youth substance use, school dropout,				
4	domestic violence/family violence, and foster care prevention. The Commissioner shall				
5	convene a work group to assist with developing this plan. The workgroup shall include, but				
6	not be limited to, the following stakeholders: Families Forward Virginia, VOICES for				
7	Virginia's Children, and the Virginia Poverty Law Center. The Commissioner shall report the				
8	plan to the Governor and the Chairs of the House Appropriations and Senate Finance and				
9	Appropriations Committees, and the Commission on Youth by July 1, 2021.				
10	V. Within 10 days of the enactment of this Act, the Department of Social Services (DSS) shall				
11	generate an estimate of the annual impact of enhanced federal Medical Assistance				
12	Percentages (FMAP), associated with federal H.R. 6021, the Families First Coronavirus				
13	Response Act (FFCRA), on all Title IV-E foster care and adoptions programs as appropriated				
14	in this Act. The agency shall report these estimates by fiscal year, fiscal quarter, service area				
15	and fund detail, to the Department of Planning and Budget (DPB) and the Chairs of the House				
16	Appropriations and Senate Finance and Appropriations Committees within the required				
17	timeframe. DPB is authorized to unallot an amount of state funds equal to the general fund				
18	savings identified in the DSS report. Upon expiration of the enhanced FMAP, DPB is				
19	authorized to re-allot funding for those quarters for which assumed enhanced FMAP is not				
20	available.				
21	W. Out of this appropriation, \$322,601 the second year from the general fund and \$2,546,850				
22	the second year from nongeneral funds is provided to implement the Virginia Facilitated				
23	Enrollment Program.				
24	355. Not set out.				
25	356. Financial Assistance to Community Human Services				
26	Organizations (49200).....			\$62,357,967	\$70,082,967
27					\$70,166,967
28	Community Action Agencies (49201).....	\$21,263,048	\$21,263,048		
29	Volunteer Services (49202).....	\$3,866,340	\$3,866,340		
30	Other Payments to Human Services Organizations				
31	(49203).....	\$37,228,579	<del>\$44,953,579</del>		
32			\$45,037,579		
33	Fund Sources: General.....	\$1,424,500	\$7,674,500		
34	Federal Trust.....	\$60,933,467	<del>\$62,408,467</del>		
35			\$62,492,467		
36	Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35,				
37	as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.				
38	A.1. All increased state or federal funds distributed to Community Action Agencies shall be				
39	distributed as follows: The funds shall be distributed to all local Community Action Agencies				
40	according to the Department of Social Services funding formula (75 percent based on low-				
41	income population, 20 percent based on number of jurisdictions served, and five percent				
42	based on square mileage served), adjusted to ensure that no agency receives less than 1.5				
43	percent of any increase.				
44	2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the				
45	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
46	with the Virginia Community Action Partnership to provide outreach, education and tax				
47	preparation services via the Virginia Earned Income Tax Coalition and other community non-				
48	profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit.				
49	The contract shall require the Virginia Community Action Partnership to report on its efforts				
50	to expand the number of Virginians who are able to claim the federal EITC, including the				
51	number of individuals identified who could benefit from the credit, the number of individuals				
52	counseled on the availability of federal EITC, and the number of individuals assisted with tax				
53	preparation to claim the federal EITC. The annual report from the Virginia Community				
54	Action Partnership shall also detail actual expenditures for the program including the sub-				
55	contractors that were utilized. This report shall be provided to the Governor and the Chairmen				
56	of the House Appropriations and Senate Finance and Appropriations Committees by				

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1	December 1 each year.				
2	3. Out of this appropriation, \$7,750,000 the first year and \$7,750,000 the second year from				
3	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
4	contract with local Community Action Agencies to provide an array of services designed to				
5	meet the needs of low-income individuals and families, including the elderly and				
6	migrant workers. Services may include, but are not limited to, child care, community and				
7	economic development, education, employment, health and nutrition, housing, and				
8	transportation.				
9	4. Out of this appropriation, \$1,125,000 the first year and \$1,125,000 the second year from				
10	the Temporary Assistance to Needy Families (TANF) block grant shall be provided for				
11	competitive grants to Community Action Agencies for a Two-Generation/Whole Family				
12	Pilot Project and for evaluation of the pilot project. Applicants selected for the pilot				
13	project shall provide a match of no less than 20 percent of the grant, including in-kind				
14	services. The Department of Social Services shall report to the General Assembly annually				
15	on the progress of the pilot project and shall complete a final report on the project no later				
16	than six years after the commencement of the project.				
17	B. The department shall continue to fund from this Item all organizations recognized by				
18	the Commonwealth as community action agencies as defined in §2.2-5400 et seq.				
19	C. Out of this appropriation, \$8,617,679 the first year and \$8,617,679 the second year				
20	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
21	to contract with programs that follow the evidence-based Healthy Families America home				
22	visiting model that promotes positive parenting, improves child health and development,				
23	and reduces child abuse and neglect. The Department of Social Services shall use a				
24	portion of the funds from this item to contract with the statewide office of Prevent Child				
25	Abuse Virginia for providing the coordination, technical support, quality assurance,				
26	training and evaluation of the Virginia Healthy Families programs.				
27	E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
28	nongeneral funds shall be provided for the Child Abuse Prevention Play (the play)				
29	administered by Virginia Repertory Theatre. The contract shall include production and				
30	live performances of the play that teach child safety awareness to prevent child abuse.				
31	F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the				
32	general fund shall be provided to contract with the Virginia Alzheimer's Association				
33	Chapters to provide dementia-specific training to long-term care workers in licensed				
34	nursing facilities, assisted living facilities and adult day care centers who deal with				
35	Alzheimer's disease and related disorders.				
36	G. Out of this appropriation, \$1,500,000 the first year and \$2,000,000 the second year				
37	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided				
38	to contract with Northern Virginia Family Services (NVFS) to provide supportive services				
39	that address the basic needs of families in crisis, including the provision of food, financial				
40	assistance to prevent homelessness, access to health services, and adult workforce				
41	development programs. The contract shall require NVFS to provide an intake process that				
42	identifies the needs and appropriate services for those in crisis. Outcomes will be				
43	measured utilizing surveys provided to those who receive services and NVFS will report				
44	quarterly on survey results.				
45	H. Out of this appropriation, \$405,500 the first year and \$405,500 the second year from				
46	the general fund and \$1,136,500 the first year and \$1,136,500 the second year from the				
47	Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
48	contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary				
49	team response to allegations of child abuse in a dedicated, child-friendly setting. The				
50	contracts shall require CACs to provide forensic interviews, victim support and advocacy				
51	services, medical evaluations, and mental health services to victims of child abuse and				
52	neglect with the expected outcome of reducing child abuse and neglect. The department				
53	shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the				
54	recognized chapter of the National Children's Alliance for Virginia's Child Advocacy				
55	Centers, for the purpose of assisting and supporting the development, continuation, and				
56	sustainability of community-coordinated, child-focused services delivered by children's				

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1	advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a			
2	baseline allocation determined by the accreditation status of the CAC: (a) developing and			
3	associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c)			
4	accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be			
5	allocated according to established criteria to include: (a) 25 percent determined by the rate of			
6	child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent			
7	determined by the number of counties and independent cities serviced.			
8	I.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from			
9	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to			
10	contract with the Virginia Early Childhood Foundation (VECF) to support the health and			
11	school readiness of Virginia's young children prior to school entry. These funds shall be			
12	matched with local public and private resources with a goal of leveraging a dollar for each			
13	state dollar provided.			
14	2. Of the amounts in paragraph I.1. above, \$1,250,000 the first year and \$1,250,000 the			
15	second year from the Temporary Assistance for Needy Families (TANF) block grant shall be			
16	used to provide information and assistance to parents and families and to facilitate			
17	partnerships with both public and private providers of early childhood services. VECF will			
18	track and report statewide and local progress on a biennial basis. The Foundation shall			
19	account for the expenditure of these funds by providing the Governor, Secretary of Health and			
20	Human Resources, and the Chairmen of the House Appropriations and Senate Finance <i>and</i>			
21	<i>Appropriations</i> Committees with a certified audit and full report on Foundation initiatives and			
22	results not later than October 1 of each year for the preceding fiscal year ending June 30.			
23	3. On or before October 1 of each year, the foundation shall submit to the Governor and the			
24	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees a			
25	report on the actual amount, by fiscal year, of private and local government funds received by			
26	the foundation.			
27	J. Out of this appropriation \$2,000,000 the first year and \$2,000,000 the second year from the			
28	Temporary Assistance for Needy Families (TANF) block grant shall be provided to the			
29	Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and			
30	mentoring programs.			
31	K.1. Out of this appropriation, \$7,500,000 the first year and \$7,500,000 the second year from			
32	the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for			
33	competitive grants for community employment and training programs designed to move low-			
34	income individuals out of poverty through programs designed to assist TANF recipients in			
35	obtaining and retaining competitive employment with the prospect of a career path and wage			
36	growth and other supportive services designed to break the cycle of poverty and permanently			
37	move individuals out of poverty. Of this amount, \$2,000,000 shall be provided for			
38	competitive grants provided through Employment Services Organizations (ESOs).			
39	2.a. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from			
40	the Temporary Assistance for Needy Families (TANF) block grant the shall be provided for a			
41	second round of grants for community employment and training programs designed to move			
42	low-income individuals out of poverty by obtaining and retaining competitive employment			
43	with the prospect of a career path and wage growth. The local match requirement shall be			
44	reduced to 10 percent, including in-kind services, for grant recipients located in Virginia			
45	counties or cities with high fiscal stress as defined by the Commission on Local Government			
46	fiscal stress index.			
47	b. Out of the amounts in 2.a., at least \$300,000 the first year and \$300,000 the second year			
48	from the Temporary Assistance for Needy Families (TANF) block grant shall be provided			
49	through a contract with the City of Richmond, Office of Community Wealth for services			
50	provided through the Center for Workforce Innovation.			
51	3. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the			
52	Temporary Assistance to Needy Families (TANF) block grant shall be provided for a third			
53	round of competitive grants for community employment and training programs. Out of this			
54	amount, \$450,000 each year shall be provided for competitive grants through Employment			
55	Services Organizations. The department may encourage applicants to consider developing			
56	programs that align or coordinate with the Medicaid Referral program to be developed			

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1	pursuant to language in Item 313 of this act.				
2	4. The Department of Social Services shall award grants to qualifying programs through a				
3	memorandum of understanding which articulates performance measures and outcomes				
4	including the number of individuals participating in services, number of individuals hired				
5	into employment, the number of unique employers hiring individuals through				
6	organizational programs and activities, the average starting wage of individuals hired,				
7	reductions in the rate of poverty, as well as process measures such as how the program				
8	targets improvement in poverty over a three to five year period and fits in with long term				
9	community goals for reducing poverty. Grants shall require local matching funds of at				
10	least a 25 percent, including in-kind services.				
11	5. Community employment and training programs and ESOs shall report on annual				
12	program performance and outcome measures contained in the memorandum of				
13	understanding with the Department of Social Services. The department shall report on the				
14	implementation of the programs and any performance and outcome data collected through				
15	the memorandum of understanding by June 1 of each year.				
16	L. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from				
17	the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide				
18	comprehensive residential, education and counseling services to at-risk youth of the				
19	Commonwealth of Virginia who have been sexually exploited, including victims of sex				
20	trafficking. The contract shall require YFT to provide individual assessments/individual				
21	service planning; individual and group counseling; room and board; coordination of				
22	medical and mental health services and referrals; independent living services for youth				
23	transitioning out of foster care; active supervision; education; and family reunification				
24	services. Youth for Tomorrow shall submit monthly progress reports on activities				
25	conducted and progress achieved on outputs, outcomes and other functions/activities				
26	during the reporting period. On October 1 of each year, YFT shall provide an annual				
27	report to the Governor and the Chairmen of the House Appropriations and Senate Finance				
28	and Appropriations Committees that details program services, outputs and outcomes.				
29	M. Out of this appropriation, \$75,000 the first year and \$150,000 the second year from the				
30	federal Temporary Assistance for Needy Families block grant shall be provided to				
31	contract with Visions of Truth Community Development Corporation in Portsmouth,				
32	Virginia. The funding will support the Students Taking Responsibility in Valuing				
33	Education (STRIVE) suspension/dropout prevention program.				
34	N. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from				
35	the the federal Temporary Assistance for Needy Families block grant shall be provided to				
36	contract with Early Impact Virginia to continue its work in support of Virginia's voluntary				
37	home visiting programs. These funds may be used to hire three full-time staff, including a				
38	director and an evaluator, and to continue Early Impact Virginia's training partnerships.				
39	Early Impact Virginia shall have the authority and responsibility to determine,				
40	systematically track, and report annually on the key activities and outcomes of Virginia's				
41	home visiting programs; conduct systematic and statewide needs assessments for				
42	Virginia's home visiting programs at least once every three years; and to support				
43	continuous quality improvement, training, and coordination across Virginia's home				
44	visiting programs on an ongoing basis. Early Impact Virginia shall report on its findings to				
45	the Chairmen of the House Appropriations and Senate Finance and Appropriations				
46	Committees by July 1, 2019 and annually thereafter.				
47	O. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from				
48	the Temporary Assistance for Needy Families (TANF) block grant shall be provided to				
49	contract with the Laurel Center in Winchester to provide program services to survivors of				
50	domestic abuse and sexual violence in Winchester, Frederick County, Clarke County, and				
51	Warren County at the Center's residential facility for survivors.				
52	P. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the				
53	general fund shall be provided for the Department of Social Services to contract with				
54	Adoption Share, Inc. for the purpose of a pilot program to operate the Family-Match				
55	application, which is an online matching tool for state case workers to use in matching				
56	foster care children with the best families.				

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1	Q. Out of this appropriation, \$100,000 the first year and \$350,000 the second year from the				
2	Temporary Assistance for Needy Families (TANF) block grant shall be provided to FACETS				
3	to provide homeless assistance services in Northern Virginia.				
4	R. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from				
5	the Temporary Assistance for Needy Families block grant shall be provided to contract with				
6	the Virginia Federation of Food Banks to provide child nutrition programs.				
7	S. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year for the				
8	Temporary Assistance for Needy Families block grant shall be provided to the Virginia				
9	Transit Association to offer competitive grants for public transportation (as defined in				
10	Virginia Code §33.2-100) and public transportation demand management service fare passes.				
11	The Virginia Transit Association shall report on annual program performance and outcome				
12	measures contained in the memorandum of understanding with the Department of Social				
13	Services. The department shall report on any performance and outcome data collected through				
14	the memorandum of understanding by July 1 of each year. This report shall be provided to the				
15	Governor, Director of the Department of Planning and Budget, and the Chairmen of the				
16	House Appropriations and Senate Finance <i>and Appropriations</i> committees.				
17	T. Out of this appropriation, \$700,000 the first year and <del>\$1,200,000</del> \$1,284,000 the second				
18	year from the Temporary Assistance for Needy Families block grant shall be provided to				
19	United Community to offer wrap-around services for low-income families. United				
20	Community shall report on annual program performance and outcome measures contained in				
21	the memorandum of understanding with the Department of Social Services. The department				
22	shall report on any performance and outcome data collected through the memorandum of				
23	understanding by July 1 of each year. This report shall be provided to the Governor, Director				
24	of the Department of Planning and Budget, and the Chairmen of the House Appropriations				
25	and Senate Finance <i>and Appropriations</i> committees.				
26	U. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the				
27	Temporary Assistance for Needy Families (TANF) block grant shall be provided to the				
28	Lighthouse Community Center, a nonprofit organization in Planning District 11, to provide				
29	housing assistance, or other eligible services, for individuals transitioning out of the criminal				
30	justice system and domestic violence situations contingent on contracting for services eligible				
31	under the TANF block grant.				
32	V. Out of this appropriation, \$500,000 the first year from the general fund shall be provided to				
33	the Laurel Center for expansion of education, outreach, program services, and new career and				
34	education support. Any unexpended balance as of June 30, 2021 shall not revert to the general				
35	fund but shall be reappropriated in fiscal year 2022.				
36	W. Out of this appropriation, \$650,000 the first year from the federal Temporary Assistance				
37	for Needy Families (TANF) grant shall be provided to food banks for the emergency food				
38	supply package program for fall 2020 and winter 2021. Funding authorized in this paragraph				
39	shall only be expended when no other federal funding source is available for this purpose.				
40	X. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the				
41	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
42	with Cornerstones to provide wrap-around services that solve urgent or on-going requirements				
43	for housing, childcare, food or financial assistance that address the needs of families. The				
44	contract shall require Cornerstones to report annually on outcomes.				
45	Y. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the				
46	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
47	with Portsmouth Volunteers for the Homeless to provide wrap-around services for homeless				
48	individuals.				
49	Z. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the				
50	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
51	with Menchville House to provide supportive services for homeless individuals.				
52	AA. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the				
53	Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract				
54	with Family Restoration Services of Hampton to provide supportive services to families in				



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1	need.			
2	BB. Out of this appropriation, \$250,000 the first year from the general fund shall be			
3	provided to Children's Harbor to expand child care services on the Eastern Shore.			
4	CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance			
5	to Needy Families (TANF) block grant shall be provided for Good Shepherd Housing and			
6	Family Services to assist with food, housing, child care/education, workforce training and			
7	mental health services and supports related to the COVID-19 pandemic response.			
8	DD. Out of this appropriation, \$200,000 the second year from the Temporary Assistance			
9	to Needy Families (TANF) block grant shall be provided to BritePaths to assist with food,			
10	housing, child care and education, workforce training and mental health services and			
11	supports related to stabilizing families during the COVID-19 pandemic.			
12	EE. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to			
13	Needy Families (TANF) block grant shall be provided to the Koinonia Foundation to			
14	assist with food, housing, child care and education, workforce training and mental health			
15	services and supports related to stabilizing families during the COVID-19 pandemic.			
16	FF. Out of this appropriation, \$5,000,000 from the general fund the second year shall be			
17	provided to Prince William County for the CASA Welcome Center in Prince William			
18	County. Funding shall be matched by private and other nonprofit or governmental funding			
19	on a cash and/or in-kind basis.			
20	GG. Out of this appropriation, \$2,000,000 from the general fund the second year shall be			
21	provided to Northampton County for the development of the Northampton County			
22	Community Center.			
23	HH. Out of this appropriation, \$200,000 the second year from the Temporary Assistance			
24	to Needy Families (TANF) block grant shall be provided to the the Lorton Community			
25	Action Center to assist with food, housing, child care and education, workforce training			
26	and mental health services and supports for low-income families during the COVID-19			
27	pandemic.			
28	357. Regulation of Public Facilities and Services			
29	(56100).....		\$43,491,485	\$16,311,476
30				\$14,655,078
31	Regulation of Adult and Child Welfare Facilities			
32	(56101).....	\$40,425,498	\$13,245,489	
33			\$11,648,998	
34	Background Investigation Services (56106).....	\$3,065,987	\$3,065,987	
35			\$3,006,080	
36	Fund Sources: General.....	\$6,554,217	\$6,942,856	
37			\$7,200,754	
38	Special.....	\$3,143,517	\$3,143,517	
39	Federal Trust.....	\$33,793,751	\$6,225,103	
40			\$4,310,807	
41	Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.			
42	A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to			
43	the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and			
44	delivery of training for operators and staff of assisted living facilities, adult day care			
45	centers, and child welfare agencies.			
46	B. As a condition of this appropriation, the Department of Social Services shall (i)			
47	promptly fill all position vacancies that occur in licensing offices so that positions shall			
48	not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing			
49	specialists to ensure that all child care facilities receive, at a minimum, the two visits per			
50	year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance			
51	problems receive additional inspection visits as necessary to ensure compliance with state			
52	laws and regulations.			
53	C. As a condition of this appropriation, the Department of Social Services shall utilize a			

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1	risk assessment instrument for child and adult care enforcement. This instrument shall include				
2	criteria for determining when the following sanctions may be used: (i) the imposition of				
3	intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a				
4	licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional				
5	inspections and intensive oversight of a facility by the Department of Social Services.				
6	D. Out of this appropriation, the Department of Social Services shall implement training for				
7	new assisted living facility owners and managers to focus on health and safety issues, and				
8	resident rights as they pertain to adult care residences.				
9	E. Out of this appropriation, \$8,853,833 and 59 positions the first year from the federal Child				
10	Care and Development Fund (CCDF) shall be provided to address the workload associated				
11	with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of				
12	Virginia. The Department of Social Services shall provide an annual report, not later than				
13	October 1 of each year for the preceding state fiscal year ending June 30, on the				
14	implementation of this initiative to the Governor, the Chairmen of the House Appropriations				
15	and Senate Finance Committees, and the Director, Department of Planning and Budget.				
16	F. The Department of Social Services shall work with localities that currently inspect child				
17	day care centers and family day homes to minimize duplication and overlap of inspections				
18	pursuant to § 63.2-1701.1, Code of Virginia.				
19	G. No child day center, family day home, or family day system licensed in accordance with				
20	Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716;				
21	registered family day home; family day home approved by a family day system; or any child				
22	day center or family day home that enters into a contract with the Department of Social				
23	Services or a local department of social services to provide child care services funded by the				
24	Child Care and Development Block Grant shall employ; continue to employ; or permit to				
25	serve as a volunteer who will be alone with, in control of, or supervising children any person				
26	who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the				
27	following background check by July 1, 2017 and every 5 years thereafter, as required by the				
28	federal Child Care and Development Block Grant Act of 2014 (CCDBG).				
29	H. 1. A child day program that operates for children of essential personnel or those who have				
30	been identified as needing in-person services, who are in need of child care as a result of the				
31	COVID-19 pandemic, shall be exempt from licensure. Programs operating under this				
32	emergency licensing exemption must file an exemption with the Department and abide by the				
33	requirements set forth in § 63.2-1715(C) and (D), Code of Virginia. The Commissioner shall				
34	have the authority to inspect these programs only upon receipt of a complaint, except as				
35	otherwise provided by law.				
36	2. An instructional program operating under § 63.2-1715 (A), Code of Virginia solely for				
37	children of essential personnel must file with the Commissioner a statement indicating the				
38	intent to operate the program and identifying that the program will operate solely for the				
39	children of essential personnel or those who have been identified as needing in-person				
40	services. All emergency child care programs shall follow Centers for Disease Control and				
41	Prevention and Virginia Department of Health guidance on safety measures to prevent the				
42	spread of COVID-19.				
43	I. When a child day program operates in response to the COVID-19 pandemic, a background				
44	check for an individual associated with a child day program operating solely for children of				
45	essential personnel or those who have been identified as needing in-person services shall not				
46	be required for any individual who has completed a background check under the provisions of				
47	§ 63.2-1720.1 or § 63.2-1721.1, Code of Virginia within the previous two years and who				
48	continues to be eligible. The Department shall establish a process regarding background check				
49	portability, and child day program providers seeking portability must follow this process.				
50	J. Any public or accredited private school may operate emergency child care for preschool or				
51	school aged children of essential personnel or those who have been identified as needing in-				
52	person services during a declared state or local emergency due to COVID-19. Such programs				
53	shall be exempt from licensure (§ 63.2-1715, Code of Virginia) and shall be subject to safety				
54	and supervisory standards, including background checks, established by the local school				
55	division or accredited private school offering the program. All emergency child care programs				
56	shall follow Centers for Disease Control and Prevention and Virginia Department of Health				

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1	guidance on safety measures to prevent the spread of COVID-19.			
2	K.1. The Department of Social Services is authorized to temporarily waive the maximum			
3	reimbursable rate requirement in the Child Care Subsidy Regulation (22VAC40-665-80.			
4	Determining payment amount) and replace it with a flat rate of ten dollars per hour for in-			
5	home child care providers. The provisions of this paragraph, as well as any actions			
6	implemented under its authority, shall be in accordance with the Governor's emergency			
7	declaration for COVID-19 and be in effect for the period specified therein.			
8	2. If any action implemented in accordance with K.1. of this Item creates a fiscal			
9	obligation, the Department shall utilize appropriate nongeneral fund sources to fund the			
10	costs incurred. No general fund appropriation shall be used for this purpose.			
11	L. Out of this appropriation, \$2,528,124 the first year and \$786,369 the second year from			
12	the general fund and \$11,062,664 the first year and \$68,362 the second year from			
13	nongeneral funds shall be appropriated to fund the replacement of the agency licensing			
14	system. Any unexpended general fund balance as of June 30, 2021, related to this			
15	paragraph shall be reappropriated to continue replacement of the agency licensing system.			
16	358.	Not set out.		
17	359.	Administrative and Support Services (49900).....		\$119,763,882
18				\$116,707,287
19		General Management and Direction (49901).....	\$5,172,009	\$9,112,262
20				\$83,160,243
21		Information Technology Services (49902).....	\$87,041,448	\$93,715,996
22				\$10,584,962
23		Accounting and Budgeting Services (49903).....	\$10,584,962	\$8,442,856
24				\$5,714,069
25		Human Resources Services (49914).....	\$5,714,069	\$5,753,339
26				\$4,114,012
27		Planning and Evaluation Services (49916).....	\$4,114,012	\$4,210,812
28				\$3,900,031
29		Procurement and Distribution Services (49918).....	\$3,900,031	\$4,272,948
30				\$3,675,650
31		Public Information Services (49919).....	\$2,851,040	\$4,014,780
32				\$386,311
33		Financial and Operational Audits (49929).....	\$386,311	\$4,100,226
34				\$45,889,214
35		Fund Sources: General.....	\$45,889,214	\$46,441,519
36				\$52,578,807
37		Special.....	\$175,000	\$175,000
38		Dedicated Special Revenue.....	\$0	\$2,000,000
39		Federal Trust.....	\$73,699,668	\$68,090,768
40				\$78,869,412
41	Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L.			
42	104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal			
43	Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act,			
44	as amended.			
45	A. The Department of Social Services shall require localities to report all expenditures on			
46	designated social services, regardless of reimbursement from state and federal sources.			
47	The Department of Social Services is authorized to include eligible costs in its claim for			
48	Temporary Assistance for Needy Families Maintenance of Effort requirements.			
49	B. It is the intent of the General Assembly that the Commissioner, Department of Social			
50	Services shall work with localities that seek to voluntarily merge and consolidate their			
51	respective local departments of social services. No funds appropriated under this act shall			
52	be used to require a locality to merge or consolidate local departments of social services.			
53	C.1. Out of this appropriation, \$473,844 the first year and \$836,149 the second year from			
54	the general fund and \$969,542 the first year and \$1,331,847 the second year from			
55	nongeneral funds shall be provided to support the statewide 2-1-1 Information and			

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1	Referral System which provides resource and referral information on many of the specialized			
2	health and human resource services available in the Commonwealth, including child day care			
3	availability and providers in localities throughout the state, and publish consumer-oriented			
4	materials for those interested in learning the location of child day care providers.			
5	2. The Department of Social Services shall request that all state and local child-serving			
6	agencies within the Commonwealth be included in the Virginia Statewide Information and			
7	Referral System as well as any agency or entity that receives state general fund dollars and			
8	provides services to families and youth. The Secretary of Health and Human Resources, the			
9	Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland			
10	Security shall assist in this effort by requesting all affected agencies within their secretariats			
11	to submit information to the statewide Information and Referral System and ensure that such			
12	information is accurate and updated annually. Agencies shall also notify the Virginia			
13	Information and Referral System of any changes in services that may occur throughout the			
14	year.			
15	3. The Department of Social Services shall communicate with child-serving agencies within			
16	the Commonwealth about the availability of the statewide Information and Referral System.			
17	This information shall also be communicated via the Department of Social Services' broadcast			
18	system on their agency-wide Intranet so that all local and regional offices can be better			
19	informed about the Statewide Information and Referral System. Information on the Statewide			
20	Information and Referral System shall also be included within the department's electronic			
21	mailings to all local and regional offices at least biannually.			
22	D.1. Within 30 days of awarding or amending any contract related to the Virginia Case			
23	Management System (VaCMS), the Department of Social Services (DSS) shall provide the			
24	Chairmen of the House Appropriations and Senate Finance <i>and Appropriations</i> Committees,			
25	and Director, Department of Planning and Budget with a copy of the contract, including any			
26	fiscal implications.			
27	2. Prior to the award of any contract that will potentially obligate the Commonwealth to future			
28	unappropriated spending, the department shall receive prior written concurrence from			
29	Director, Department of Planning and Budget. Any approved increases in funding requests			
30	shall be reported by DSS to the Chairmen of House Appropriations and Senate Finance <i>and</i>			
31	<i>Appropriations</i> Committees within 30 days.			
32	E. At least 60 days prior to the modification of any public guidance document, handbook,			
33	manual, or state plan, the Department of Social Services (DSS) shall provide written			
34	notification to the Governor and the Director of the Department of Planning and Budget as to			
35	the purpose of such change. This notice shall also assess whether the amendment may require			
36	any 1) future state regulatory action; 2) increase in local costs; and/or 3) any state expenditure			
37	beyond that which is appropriated in this Act. This notice does not exempt the agency from			
38	any requirements set forth within § 4-5.03 of this Act.			
39	F. The Superintendent of Public Instruction shall convene a work group to develop and			
40	establish a plan to transfer the Child Care Development Fund grant from the Virginia			
41	Department of Social Services to the Virginia Department of Education no later than July 1,			
42	2021. The work group shall include representatives of (i) the Secretariats of Education and			
43	Health and Human Resources; (ii) relevant state agencies, including the Department of			
44	Planning and Budget, the Office of the Attorney General, the Department of Education, and			
45	the Department of Social Services; (iii) relevant regulatory boards, including the Board of			
46	Education; and (iv) the House Committee on Appropriations and the Senate Committee on			
47	Finance and Appropriations. The goal of this transfer is to house responsibility of child care			
48	and education programs under one agency. The plan shall be submitted to the Governor, the			
49	Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and			
50	Director of the Department of Planning and Budget no later than August 15, 2020. Such plan			
51	shall confirm the funding amounts and positions that need to be transferred between the			
52	impacted agencies, and shall identify any savings or additional costs associated with the			
53	transfer of these programs. The review shall also assess any potential administrative impacts			
54	on the Department of Social Services and the Department of Education.			
55	H. The Department of Social Services shall report a detailed accounting, annually, of the			
56	agency's organization and operations. This report shall include an organizational chart that			
57	shows all full- and part-time positions (by job title) employed by the agency as well as the			

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1	current management structure and unit responsibilities. The report shall also provide a			
2	summary of organization changes implemented over the previous year. The report shall be			
3	made available on the department's website by August 15 of each year. For the report due			
4	August 15, 2020, the department shall provide a summary of all organizational changes			
5	implemented since January 1, 2018.			
6	I. Notwithstanding any other provision of law, the Department of Social Services (DSS)			
7	shall have temporary authority to make any changes to relevant State Plans, request			
8	waivers from applicable Federal agencies, change eligibility criteria for benefits and			
9	services, and payment levels for applicable programs in response to the COVID-19			
10	pandemic and new authorities and funding made available by the federal government to			
11	effect those policies necessary to ensure that benefits are available to eligible populations			
12	in response to COVID-19. Prior to the implementation of any change, DSS must receive			
13	written approval from the Governor. Within 15 days of implementing changes in response			
14	to COVID-19, DSS shall send a list of such actions to the Director, Department of			
15	Planning and Budget and the Chairs of the House Appropriations and Senate Finance and			
16	Appropriations Committees. The provisions of this paragraph, as well as any actions			
17	implemented under its authority, shall be in accordance with the Governor's emergency			
18	declaration for COVID-19 and be in effect for the period specified therein.			
19	J. Out of this appropriation, \$178,043 the first year from the federal Temporary Assistance			
20	for Needy Families (TANF) grant shall be provided to fund payment structure changes to			
21	implement one-time food benefit payments to families with children enrolled in Head			
22	Start.			
23	K. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from			
24	the general fund and \$125,000 the first year and \$125,000 the second year from			
25	nongeneral funds shall be appropriated to fund the replacement of the agency licensing			
26	system. Any unexpended general fund balance as of June 30, 2021, related to this			
27	paragraph shall be reappropriated to continue replacement of the agency licensing system.			
28	L. The Department of Social Services shall design, for consideration by the 2022 General			
29	Assembly, a program that provides a fixed reimbursement, which shall not exceed \$15			
30	monthly, for broadband service costs for select households currently participating in the			
31	Supplemental Nutrition Assistance Program. The reimbursement payments under the			
32	program shall be structured as a direct payment to a broadband provider selected by the			
33	qualifying program participant household, provided that the selected broadband provider			
34	offers a low-cost broadband service for low-income households within its service area in			
35	the Commonwealth. The department shall develop program guidelines in coordination			
36	with the Commonwealth Broadband Chief Advisor to govern eligibility for participation			
37	in the program and disbursement of program funds. The department shall report on the			
38	program design and structure, administrative cost estimates, program guidelines, and other			
39	relevant information related to implementing the program to the Chairs of the House			
40	Appropriations and Senate Finance and Appropriations Committees by November 1,			
41	2021.			
42	M. The Department of Social Services as administrator of the federal Community Services			
43	Block Grant shall establish an interagency working group to develop recommendations for			
44	implementation of local criminal justice diversion programs. Each diversion program			
45	should offer standards for providing persons charged with lower-level offenses			
46	alternatives to arrest, conviction or incarceration for lower-level offenses. The scope of			
47	these programs shall not include behavioral health issues as those priorities are being			
48	addressed elsewhere. The working group should include the appropriate offices and			
49	agencies of Health and Human Resources, Commerce and Trade, Public Safety and			
50	Homeland Security and the Governor's Chief Diversity, Equity and Inclusion Officer. The			
51	interagency working group shall work with community action agencies, local governments			
52	including local law enforcement, representatives of the judicial system, civil rights			
53	organizations as well as other stakeholders to develop locally-based solutions. The			
54	recommendations shall provide for two-generation whole family strategies that deal with			
55	meeting the needs of the potential offender and his or her entire family by addressing			
56	issues related to poverty, including homelessness. The Department of Social Services shall			
57	submit its recommendations to the Chairs of the House Appropriations Committee and the			
58	Senate Finance and Appropriations Committee no later than September 30, 2021.			

ITEM 359.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	N. Out of this appropriation, \$100,000 the second year from the general fund is provided for				
2	the Department of Social Services to increase interpretation and translation services to help				
3	immigrants in Virginia access local resources through 2-1-1, including healthcare, housing,				
4	and other social services.				
5	<i>O. The Department of Social Services, in cooperation and consultation with the Virginia</i>				
6	<i>Information Technology Agency (VITA), shall undertake a thorough market check that</i>				
7	<i>complies with VITA's recommendations before requesting to do a sole source procurement</i>				
8	<i>approach for the Virginia Case Management System (VaCMS).</i>				
9	360. Not set out.				
10	361. Not set out.				
11	361.10 Not set out.				
12	Total for Department of Social Services.....			\$2,253,491,892	\$2,106,691,975
13					\$2,127,832,399
14	General Fund Positions.....	653.00	663.00		
15	Nongeneral Fund Positions.....	1,224.50	1,079.50		
16	Position Level.....	1,877.50	1,742.50		
17	Fund Sources: General.....	\$434,112,881	\$468,644,651		
18			\$469,976,775		
19	Special.....	\$698,695,315	\$697,516,427		
20			\$701,889,053		
21	Dedicated Special Revenue.....	\$9,244,920	\$11,944,920		
22			\$12,227,903		
23	Federal Trust.....	\$1,111,438,776	\$928,585,977		
24			\$943,738,668		
25	362. Not set out.				
26	363. Not set out.				
27	364. Not set out.				
28	365. Not set out.				
29	366. Not set out.				
30	367. Not set out.				
31	368. Not set out.				
32	369. Not set out.				
33	369.10 Not set out.				
34	370. Not set out.				
35	371. Not set out.				
36	TOTAL FOR OFFICE OF HEALTH AND HUMAN			\$22,158,912,664	\$23,689,617,791
37	RESOURCES.....				\$24,170,848,364
38					
39	General Fund Positions.....	8,294.65	8,466.65		
40	Nongeneral Fund Positions.....	6,404.12	6,309.12		
41			6,320.12		

ITEM 371.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Position Level.....	14,698.77	<del>14,775.77</del>		
2			14,786.77		
3	Fund Sources: General.....	\$6,555,620,290	<del>\$7,692,316,925</del>		
4			\$6,933,799,738		
5	Special.....	\$1,025,744,383	<del>\$1,005,666,331</del>		
6			\$1,010,038,957		
7	Enterprise.....	\$77,918,817	\$64,418,817		
8	Trust and Agency.....	\$1,724,096	\$1,724,096		
9	Dedicated Special Revenue.....	\$1,597,497,252	<del>\$1,650,343,495</del>		
10			\$1,731,355,713		
11	Federal Trust.....	\$12,900,407,826	<del>\$13,275,148,127</del>		
12			\$14,429,511,043		

ITEM 372.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF NATURAL RESOURCES</b>			
<b>2</b>	372.	Not set out.		
<b>3</b>	373.	Not set out.		
<b>4</b>	374.	Not set out.		
<b>5</b>	375.	Not set out.		
<b>6</b>	375.10	Not set out.		
<b>7</b>	376.	Not set out.		
<b>8</b>	377.	Not set out.		
<b>9</b>	378.	Not set out.		
<b>10</b>	379.	Not set out.		
<b>11</b>	380.	Not set out.		
<b>12</b>	380.10	Not set out.		
<b>13</b>	<b>§ 1-22. DEPARTMENT OF WILDLIFE RESOURCES (403)</b>			
<b>14</b>	381.	Wildlife and Freshwater Fisheries Management		
<b>15</b>		(51100).....		\$49,941,337
<b>16</b>				\$48,830,696
<b>17</b>		Wildlife Information and Education (51102).....	\$4,604,193	\$4,604,193
<b>18</b>		Enforcement of Recreational Hunting and Fishing		
<b>19</b>		Laws and Regulations (51103).....	\$15,995,890	\$15,995,890
<b>20</b>		Wildlife Management and Habitat Improvement		
<b>21</b>		(51106).....	\$29,341,254	<del>\$28,230,613</del>
<b>22</b>				\$29,030,613
<b>23</b>		Fund Sources: Dedicated Special Revenue.....	\$37,406,488	<del>\$36,295,847</del>
<b>24</b>				\$37,095,847
<b>25</b>		Federal Trust.....	\$12,534,849	\$12,534,849
<b>26</b>		Authority: Title 29.1, Chapters 1 through 6, Code of Virginia.		
<b>27</b>		A. Out of the amounts appropriated for this Item, \$20,000 the first year and \$20,000 the		
<b>28</b>		second year from nongeneral funds is provided for the Smith Mountain Lake Water Quality		
<b>29</b>		Monitoring Program.		
<b>30</b>		B. Out of the amounts appropriated in this item, \$10,000 the first year and \$10,000 the second		
<b>31</b>		year from nongeneral funds is provided for the Back Bay Submerged Aquatic Vegetation		
<b>32</b>		Restoration Project.		
<b>33</b>	382.	Boating Safety and Regulation (62500).....		\$7,677,834
<b>34</b>				<del>\$7,677,834</del>
<b>35</b>		Boat Registration and Titling (62501).....	\$2,580,290	<del>\$2,580,290</del>
<b>36</b>				\$3,380,290
<b>37</b>		Boating Safety Information and Education (62502).....	\$362,359	<del>\$362,359</del>
<b>38</b>				\$662,359
<b>39</b>		Enforcement of Boating Safety Laws and		
<b>40</b>		Regulations (62503).....	\$4,735,185	<del>\$4,735,185</del>
<b>41</b>				\$6,735,185



		Item Details(\$)		Appropriations(\$)	
ITEM 382.		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: Dedicated Special Revenue.....	\$5,558,055	<del>\$5,558,055</del>		
2			\$8,658,055		
3	Federal Trust.....	\$2,119,779	\$2,119,779		
4	Authority: Title 29.1, Chapters 7 and 8, Code of Virginia.				
5	Notwithstanding § 29.1-113 of the Code of Virginia, access fees at boat ramps owned or				
6	managed by the Department of Wildlife Resources (DWR) shall not be assessed prior to				
7	July 1, 2022, pending a study by DWR on the costs and benefits of such fees and the				
8	impact on recreational users in Virginia. As part of this study, the Department shall				
9	convene a stakeholder group for the purpose of developing and providing				
10	recommendations on access permit fees, various alternatives, and other issues related to				
11	the use and maintenance of Department-owned boat ramp facilities. The stakeholder work				
12	group shall be composed of representatives of registered boat owners, paddlecraft liveries,				
13	outdoor outfitters, environmental education providers, and other non-registered vessel				
14	recreational users of such boat ramps, or other affected parties the Department deems				
15	necessary. The work group shall consider mechanisms that will decrease the burden on				
16	outfitters, customers, education providers, and non-profit organizations; the usage of				
17	access fees to maintain or improve existing boat ramps and to add new boat ramps,				
18	paddlecraft launches, and public access points on Department-owned property; and				
19	alternative funding mechanisms and strategies that can increase access by economically				
20	disadvantaged users. DWR shall submit a report on the work group's recommendations to				
21	the Governor, the Secretary of Natural Resources, the House Agricultural, Chesapeake				
22	and Natural Resources Committee, the Senate Agricultural, Conservation and Natural				
23	Resources Committee, the House Appropriations Committee and the Senate Finance and				
24	Appropriations Committee by December 1, 2021.				
25	383.	Not set out.			
26	384.	A. Pursuant to §§ 29.1-101, 58.1-638, and 58.1-1410, Code of Virginia, deposits to the			
27		Game Protection Fund include an estimated \$16,500,000 the first year and <del>\$16,500,000</del>			
28		\$20,400,000 the second year from revenue originating from the general fund.			
29		B. Pursuant to § 29.1-101.01, Code of Virginia, the Department of Planning and Budget			
30		shall transfer such funds as designated by the Board of Wildlife Resources from the Game			
31		Protection Fund (§ 29.1-101) to the Capital Improvement Fund (§ 29.1-101.01) up to an			
32		amount equal to 50 percent or less of the revenue deposited to the Game Protection Fund			
33		by § 3-1.01, subparagraph M, of this act.			
34		C. Out of the amounts transferred pursuant to § 3-1.01, subparagraph K, of this act,			
35		\$881,753 the first year and \$881,753 the second year from the Game Protection Fund shall			
36		be used for the enforcement of boating laws, boating safety education, and for improving			
37		boating access.			
38				<b>\$67,952,102</b>	<b>\$66,841,461</b>
39	Total for Department of Wildlife Resources.....				<b>\$70,741,461</b>
40	Nongeneral Fund Positions.....	496.00	496.00		
41	Position Level.....	496.00	496.00		
42	Fund Sources: Dedicated Special Revenue.....	\$51,794,539	<del>\$50,683,898</del>		
43			\$54,583,898		
44	Federal Trust.....	\$16,157,563	\$16,157,563		
45	385.	Not set out.			
46	386.	Not set out.			
47	386.10	Not set out.			
48	387.	Not set out.			
49	388.	Not set out.			

ITEM 389.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	389.	Not set out.			
2	390.	Not set out.			
3	390.10	Not set out.			
4	TOTAL FOR OFFICE OF NATURAL				
5	RESOURCES.....			<b>\$493,463,655</b>	<b>\$540,243,113</b>
6					<b>\$544,143,113</b>
7	General Fund Positions.....		1,022.00	1,036.50	
8	Nongeneral Fund Positions.....		1,157.00	1,157.00	
9	Position Level.....		2,179.00	2,193.50	
10	Fund Sources: General.....		\$209,284,760	\$257,090,159	
11	Special.....		\$47,130,378	\$47,215,078	
12	Commonwealth Transportation.....		\$429,410	\$429,410	
13	Enterprise.....		\$13,091,877	\$13,091,877	
14	Trust and Agency.....		\$38,274,531	\$38,274,531	
15	Dedicated Special Revenue.....		\$120,967,183	<del>\$119,856,542</del>	
16				<del>\$123,756,542</del>	
17	Federal Trust.....		\$64,285,516	\$64,285,516	

ITEM 391.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY</b>			
<b>2</b>	391.	Not set out.		
<b>3</b>	392.	Not set out.		
<b>4</b>	393.	Not set out.		
<b>5</b>	394.	Not set out.		
<b>6</b>	395.	Not set out.		
<b>7</b>	<b>§ 1-23. DEPARTMENT OF CORRECTIONS (799)</b>			
<b>8</b>	396.	Not set out.		
<b>9</b>	397.	Not set out.		
<b>10</b>	397.10	Not set out.		
<b>11</b>	398.	Not set out.		
<b>12</b>	399.	Not set out.		
<b>13</b>	400.	Not set out.		
<b>14</b>	401.	Prison Medical and Clinical Services (39700).....		\$229,529,761
<b>15</b>				\$247,060,267
<b>16</b>		Comprehensive Healthcare Facility Contract Costs		\$253,838,582
<b>17</b>		(39701).....	\$79,355,775	<del>\$82,868,740</del>
<b>18</b>				\$76,434,542
<b>19</b>		Offsite Healthcare Costs (39702).....	\$28,272,832	<del>\$36,294,698</del>
<b>20</b>				\$29,223,082
<b>21</b>		Pharmaceutical Costs (39703).....	\$41,727,190	<del>\$44,525,599</del>
<b>22</b>				\$49,504,357
<b>23</b>		Department of Corrections-managed Facility		
<b>24</b>		Healthcare Costs (39704).....	\$80,173,964	<del>\$83,371,230</del>
<b>25</b>				\$98,676,601
<b>26</b>		Fund Sources: General.....	\$228,042,584	<del>\$245,573,090</del>
<b>27</b>				\$252,351,405
<b>28</b>		Special.....	\$566,137	\$566,137
<b>29</b>		Federal Trust.....	\$921,040	\$921,040
<b>30</b>		Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.		
<b>31</b>		A. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from		
<b>32</b>		nongeneral funds is included for inmate medical costs. The sources of the nongeneral		
<b>33</b>		funds are an award from the State Criminal Alien Assistance Program, administered by		
<b>34</b>		the U.S. Department of Justice.		
<b>35</b>		B. The Department of Corrections shall continue to coordinate with the Department of		
<b>36</b>		Medical Assistance Services and the Department of Social Services to enroll eligible		
<b>37</b>		inmates in Medicaid. To the extent possible, the Department of Corrections shall work to		
<b>38</b>		identify potentially eligible inmates on a proactive basis, prior to the time inpatient		
<b>39</b>		hospitalization occurs. Procedures shall also include provisions for medical providers to		
<b>40</b>		bill the Department of Medical Assistance Services, rather than the Department of		
<b>41</b>		Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor		
<b>42</b>		sources associated with inpatient and outpatient health care services, the Department of		
<b>43</b>		Corrections and the Department of Medical Assistance Services shall consult with the		

ITEM 401.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	applicable provider community to ensure that administrative burdens are minimized and			
2	payment for health care services is rendered in a prompt manner.			
3	C. Included in the appropriation for this item is funding for the first year and the second year			
4	from the general fund for six medical contract monitors. The persons filling these positions			
5	shall have the responsibility of closely monitoring the adequacy and quality of inmate medical			
6	services in those correctional facilities for which the department has contracted with a private			
7	vendor to provide inmate medical services.			
8	D. The Department of Corrections shall assess the costs, benefits, and feasibility of adopting a			
9	"subscription model" for the purchase of Hepatitis C antiviral medication and necessary			
10	ancillary services (i) for a pre-determined period of time and (ii) at an annual fixed rate to be			
11	administered to state-responsible inmates held in state correctional facilities. The assessment			
12	shall include an evaluation of the terms and conditions of models adopted for correctional			
13	systems operated by other state and local governments, and the feasibility of implementing			
14	such models in Virginia. The scope of this assessment shall not preclude the collection of			
15	appropriate non-proprietary information from pharmaceutical manufacturers, if such			
16	information is deemed necessary by the department to complete the assessment. The			
17	department shall report the findings of its assessment, and any relevant recommendations, to			
18	the Secretary of Public Safety and Homeland Security and the Chairs of the House			
19	Appropriations and Senate Finance and Appropriations Committees no later than November			
20	30, 2020.			
21	E. The workgroup convened pursuant to Item 390, Paragraph R of Chapter 854, 2019 Acts of			
22	Assembly, shall be continued. The workgroup shall annually report on the progress and			
23	outcomes of the university medical pilots authorized in this Item. The report shall be provided			
24	to the Chairs of the House Appropriations and Senate Finance and Appropriations			
25	Committees no later than October 15 of each year.			
26	402.	Not set out.		
27	402.10	Not set out.		
28	Total for Department of Corrections.....		<b>\$1,382,370,211</b>	<b>\$1,403,222,002</b>
29				<b>\$1,410,000,317</b>
30	General Fund Positions.....	12,344.00	12,442.00	
31	Nongeneral Fund Positions.....	233.50	233.50	
32	Position Level.....	12,577.50	12,675.50	
33	Fund Sources: General.....	\$1,311,715,535	<del>\$1,335,567,326</del>	
34			<del>\$1,342,345,641</del>	
35	Special.....	\$66,084,284	\$63,084,284	
36	Dedicated Special Revenue.....	\$2,739,074	\$2,739,074	
37	Federal Trust.....	\$1,831,318	\$1,831,318	
38	<b>§ 1-24. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)</b>			
39	403.	Not set out.		
40	404.	Not set out.		
41	405.	Not set out.		
42	406.	Financial Assistance for Administration of Justice		
43				\$150,634,849
44		\$141,622,430	\$139,270,230	\$148,587,958
45				
46		\$685,074	\$741,969	
47				
48		\$8,327,345	\$8,575,759	
49		\$56,724,275	\$50,677,384	

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Special.....	\$6,624	\$6,624		
2	Trust and Agency.....	\$4,298,130	\$4,298,130		
3	Dedicated Special Revenue.....	\$13,605,820	\$13,605,820		
4	Federal Trust.....	\$76,000,000	\$80,000,000		
5	Authority: Title 9.1, Chapter 1, Code of Virginia.				
6	A.1. This appropriation includes an estimated \$4,800,000 the first year and an estimated				
7	\$4,800,000 the second year from federal funds pursuant to the Omnibus Crime Control				
8	Act of 1968, as amended. Of these amounts, ten percent is available for administration,				
9	and the remainder is available for grants to state agencies and local units of government.				
10	The remaining federal funds are to be passed through as grants to localities, with a				
11	required 25 percent local match. Also included in this appropriation is \$452,128 the first				
12	year and \$452,128 the second year from the general fund for the required matching funds				
13	for state agencies.				
14	2. The Department of Criminal Justice Services shall provide a summary report on federal				
15	anti-crime and related grants which will require state general funds for matching purposes				
16	during FY 2013 and beyond. The report shall include a list of each grant and grantee, the				
17	purpose of the grant, and the amount of federal and state funds recommended, organized by				
18	topical area and fiscal period. The report shall indicate whether each grant represents a				
19	new program or a renewal of an existing grant. Copies of this report shall be provided to				
20	the Chairmen of the Senate Finance and House Appropriations Committees and the				
21	Director, Department of Planning and Budget by January 1 of each year.				
22	B. The Department of Criminal Justice Services is authorized to make grants and provide				
23	technical assistance out of this appropriation to state agencies, local governments,				
24	regional, and nonprofit organizations for the establishment and operation of programs for				
25	the following purposes and up to the amounts specified:				
26	1.a. Regional training academies for criminal justice training, \$1,001,074 the first year and				
27	\$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first				
28	year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal				
29	Justice Services Board shall adopt such rules as may reasonably be required for the				
30	distribution of funds and for the establishment, operation and service boundaries of state-				
31	supported regional criminal justice training academies.				
32	b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia,				
33	and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding				
34	for the establishment of any new criminal justice training academy from July 1, 2020,				
35	through June 30, 2022.				
36	c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services				
37	may approve a new regional criminal justice academy serving the Counties of Clarke,				
38	Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal,				
39	Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and,				
40	the Frederick County Emergency Communications Center, to be established and operated				
41	consistent with a written agreement, provided to the Board, between the local governing				
42	bodies, chief executive officers, and chief law enforcement officers of the aforementioned				
43	localities, and the Rappahannock Regional Criminal Justice Academy. The new academy				
44	shall be eligible to receive state funding in a manner consistent with the currently existing				
45	regional criminal justice training academies. However, no current existing regional				
46	criminal justice training academy other than the Rappahannock Regional Criminal Justice				
47	Academy will receive less funding as a result of the creation of the new regional academy.				
48	2. Virginia Crime Victim-Witness Fund, \$5,692,738 the first year and \$5,692,738 the				
49	second year from dedicated special revenue, and \$943,700 the first year and \$943,700 the				
50	second year from the general fund. The Department of Criminal Justice Services shall				
51	provide a report on the current and projected status of federal, state and local funding for				
52	victim-witness programs supported by the Fund. Copies of the report shall be provided				
53	annually to the Secretary of Public Safety and Homeland Security, the Department of				
54	Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations				
55	Committees by October 16 of each year.				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and				
2	\$1,615,000 the second year from the general fund.				
3	b. In the event that the federal government reduces or removes support for the CASA				
4	programs, the Governor is authorized to provide offsetting funding for those impacted				
5	programs out of the unappropriated balances in this Act.				
6	4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from				
7	the dedicated special revenue fund to provide grants to local programs and prosecutors that				
8	provide services to victims of domestic violence.				
9	5. Pre and Post-Incarceration Services (PAPIS), \$2,786,144 the first year and \$3,286,144 the				
10	second year from general fund to support pre and post incarceration professional services and				
11	guidance that increase the opportunity for, and the likelihood of, successful reintegration into				
12	the community by adult offenders upon release from prisons and jails.				
13	6. To the Department of Behavioral Health and Developmental Services for the following				
14	activities and programs: (i) a partnership program between a local community services board				
15	and the district probation and parole office for a jail diversion program; (ii) forensic discharge				
16	planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv)				
17	cross systems mapping targeting juvenile justice and behavioral health.				
18	7. To the Department of Corrections for the following activities and programs: (i) community				
19	residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting				
20	center; and (iii) establishment of a pilot program whereby non-violent state offenders would				
21	be housed in a local or regional jail, rather than a prison or other state correctional facility,				
22	with rehabilitative services provided by the jail.				
23	8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from the general				
24	fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may				
25	be available to provide assistance to low income and previously incarcerated persons to				
26	restore their driving privileges so they can drive to work and keep a job.				
27	9. For model addiction recovery programs administered in local or regional jails, \$153,600 the				
28	first year and \$153,600 the second year from the general fund. The Department of Criminal				
29	Justice Services, consistent with the provisions of Chapter 758, 2017 Acts of Assembly, shall				
30	award grants not to exceed \$38,400 to four pilot programs selected in consultation with the				
31	Department of Behavioral Health and Developmental Services.				
32	C.1. Out of this appropriation, \$26,540,378 the first year and \$27,690,378 the second year				
33	from the general fund is authorized to make discretionary grants and to provide technical				
34	assistance to cities, counties or combinations thereof to develop, implement, operate and				
35	evaluate programs, services and facilities established pursuant to the Comprehensive				
36	Community Corrections Act for Local-Responsible Offenders (§§ <a href="#">9.1-173</a> through <a href="#">9.1-183</a>				
37	Code of Virginia) and the Pretrial Services Act (§§ <a href="#">19.2-152.2</a> through <a href="#">19.2-152.7</a> , Code of				
38	Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is				
39	authorized to expend no more than five percent per year for state administration of these				
40	programs.				
41	2. The Department of Criminal Justice Services, in conjunction with the Office of the				
42	Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission,				
43	shall conduct information and training sessions for judges and other judicial officials on the				
44	programs, services and facilities available through the Pretrial Services Act and the				
45	Comprehensive Community Corrections Act for Local-Responsible Offenders.				
46	D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the				
47	general fund is provided for Comprehensive Community Corrections and Pretrial Services				
48	Programs for localities that belong to the Central Virginia Regional Jail Authority. These				
49	amounts are seventy-five percent of the costs projected in the community-based corrections				
50	plan submitted by the Authority. The localities shall provide the remaining twenty-five				
51	percent as a condition of receiving these funds.				
52	2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the				
53	general fund is provided for Comprehensive Community Corrections and Pretrial Services				
54	Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	amounts are seventy-five percent of the costs projected in the community-based				
2	corrections plan submitted by the Authority. The localities shall provide the remaining				
3	twenty-five percent as a condition of receiving these funds.				
4	E. In the event the federal government should make available additional funds pursuant to				
5	the Violence Against Women Act, the department shall set aside 33 percent of such funds				
6	for competitive grants to programs providing services to domestic violence and sexual				
7	assault victims.				
8	F.1. Out of this appropriation, \$4,700,000 the first year and \$4,700,000 the second year				
9	from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from				
10	such federal funds as are available shall be deposited to the School Resource Officer				
11	Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.				
12	2.a. The Director, Department of Criminal Justice Services, is authorized to expend				
13	\$410,877 the first year and \$410,877 the second year from the School Resource Officer				
14	Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-				
15	110, Code of Virginia.				
16	b. The Center for School Safety shall provide a grant of \$100,000 in the first year and				
17	\$100,000 in the second year to the York County-Poquoson Sheriff's Office for the				
18	statewide administration of the Drug Abuse Resistance Education (DARE) program.				
19	3. Subject to the development of criteria for the distribution of grants from the fund,				
20	including procedures for the application process and the determination of the actual				
21	amount of any grant issued by the department, the department shall award grants to either				
22	local law-enforcement agencies, where such local law-enforcement agencies and local				
23	school boards have established a collaborative agreement for the employment of school				
24	resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the				
25	employment of school resource officers, or to local school divisions for the employment				
26	of school security officers, as such positions are defined in § 9.1-101, Code of Virginia,				
27	for the employment of school security officers in any public school. The application				
28	process shall provide for the selection of either school resource officers, school security				
29	officers, or both by localities. The department shall give priority to localities requesting				
30	school resource officers, school security officers, or both where no such personnel are				
31	currently in place. Localities shall match these funds based on the composite index of				
32	local ability-to-pay.				
33	4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year				
34	from the general fund for the implementation of a model critical incident response training				
35	program for public school personnel and others providing services to public schools, and				
36	the maintenance of a model policy for the establishment of threat assessment teams for				
37	each public school, including procedures for the assessment of and intervention with				
38	students whose behavior poses a threat to the safety of public school staff or other				
39	students.				
40	5. Included in the amounts appropriated for this item is \$132,254 the first year and				
41	\$132,254 the second year from the general fund for the purposes of collection and analysis				
42	of data related to school resource officers, pursuant to House Bill 271 of the 2020 Session				
43	of the General Assembly.				
44	G. Included in the amounts appropriated in this Item is \$2,500,000 the first year and				
45	\$2,500,000 the second year from the general fund for grants to local sexual assault crisis				
46	centers (SACCs) and domestic violence programs to provide core and comprehensive				
47	services to victims of sexual and domestic violence, including ensuring such services are				
48	available and accessible to victims of sexual assault and dating violence committed				
49	against college students on- and off-campus.				
50	H.1. Out of the amounts appropriated for this Item, \$2,658,420 the first year and				
51	\$2,658,420 the second year from nongeneral funds is provided, to be distributed as				
52	follows: for the Southern Virginia Internet Crimes Against Children Task Force,				
53	\$1,450,000 the first year and \$1,450,000 the second year; and, for the creation of a grant				
54	program to law enforcement agencies for the prevention of internet crimes against				
55	children, \$1,208,420 the first year and \$1,208,420 the second year.				

ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task				
2	Forces shall each provide an annual report, in a format specified by the Department of				
3	Criminal Justice Services, on their actual expenditures and performance results. Copies of				
4	these reports shall be provided to the Secretary of Public Safety and Homeland Security, the				
5	Chairmen of the Senate Finance and House Appropriations Committees, and Director,				
6	Department of Planning and Budget prior to the distribution of these funds each year.				
7	3. Subject to compliance with the reports and distribution thereof as required in paragraph 2				
8	above, the Governor shall allocate all additional funding, not to exceed actual collections, for				
9	the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of				
10	Virginia.				
11	I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second				
12	year from the general fund is provided for training to local law enforcement to aid in their				
13	identifying and interacting with individuals suffering from Alzheimer's and/or dementia.				
14	J.1. Included in the appropriation for this item is \$2,500,000 the first year and \$2,500,000 the				
15	second year from the general fund to continue the pilot programs authorized in Item 398,				
16	Chapter 836, 2017 Acts of Assembly. The number of pilot sites shall not be expanded beyond				
17	those participating in the pilot program the first year.				
18	2. The funding provided to each pilot site shall supplement, not supplant, existing local				
19	spending on these services. Distribution of grant amounts shall be made quarterly pursuant to				
20	the conditions of paragraph J.3. of this item.				
21	3. The Department shall collect on a quarterly basis qualitative and quantitative data of pilot				
22	site performance, to include: (i) mental health screenings and assessments provided to				
23	inmates, (ii) mental health treatment plans and services provided to inmates, (iii) jail safety				
24	incidents involving inmates and jail staff, (iv) the provision of appropriate services after				
25	release, (v) the number of inmates re-arrested or re-incarcerated within 90 days after release				
26	following a positive identification for mental health disorders in jail or the receipt of mental				
27	health treatment within the facility. The Department shall provide a report on its findings to				
28	the Chairmen of the House Appropriations and Senate Finance Committees no later than				
29	October 15th each year.				
30	4. The department is authorized to expend up to \$125,000 per year out of the amounts				
31	allocated in Paragraph J.1. of this item for costs related to the administration of the jail mental				
32	health pilot program.				
33	K. Included in the appropriations for this Item is \$300,000 the first year and \$300,000 the				
34	second year from the general fund for the Department of Criminal Justice Services to make				
35	competitive grants to nonprofit organizations to support services for law enforcement,				
36	including post critical incident seminars and peer-supported critical incident stress				
37	management programs to promote officer safety and wellness, under guidelines to be				
38	established by the Department. The Department shall evaluate the effectiveness of the				
39	program and report on its findings to the Secretary of Public Safety and Homeland Security,				
40	the Director of the Department of Planning and Budget, and the Chairmen of the House				
41	Appropriations and Senate Finance Committees by July 1, 2022.				
42	L. Included in the appropriation for this item is \$916,066 in the first year and \$916,066 in the				
43	second year from the general fund for the Virginia Beach Correctional Center for the Jail and				
44	Re-entry Service Coordination Pathway, which is a joint operation between the Virginia				
45	Beach Department of Human Services and the Virginia Beach Sheriff's Office. The program				
46	consists of diversion, screening, assessment, treatment, and re-entry services for all				
47	incarcerated individuals with an active mental illness or substance use disorder diagnosis.				
48	M. Included in this appropriation for this item, \$2,645,244 the first year and \$193,658 the				
49	second year from the general fund and two positions for the Department of Criminal Justice				
50	Services to make competitive grants to five localities to support evidence-based gun violence				
51	intervention and prevention initiatives. The Department shall evaluate the implementation and				
52	effectiveness of the programs in each locality that received the award, and provide a report				
53	that details the amount awarded, its findings and recommendations to the Governor, Secretary				
54	of Public Safety and Homeland Security, Director of the Department of Planning and Budget,				
55	and the Chairmen of the House Appropriations and the Senate Finance Committees by				



ITEM 406.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	November 1, 2021. The funding provided to each locality shall supplement, not supplant,				
2	existing local spending on these services.				
3	N. Out of the appropriation in this item, \$1,500,000 the second year from the general fund				
4	is allocated for the Department of Criminal Justice Services to make competitive grants				
5	to localities to combat hate crimes, including but not limited to target hardening activities,				
6	contractual security services, critical technology infrastructure, cybersecurity resilience				
7	activities, monitoring, inspection and screening systems; security-related training for				
8	employed or volunteer security staff; and terrorism awareness training for employees. The				
9	funds appropriated in this item shall be distributed to localities that have established a				
10	partnership program with institutions or nonprofit organizations that have been targets of				
11	or are at risk of being targeted for hate crimes. The Department shall establish grant				
12	guidelines to implement these provisions and shall provide a biennial or annual request for				
13	funding from localities, based on the guidelines. For each grant requested, the application				
14	shall document the need for the grant, goals, and budget expenditure of these funds and				
15	any other sources that may be committed by localities, institutions or nonprofit				
16	organizations. Funding provided in this item shall not be used to supplant the funding				
17	provided by localities to combat hate crimes.				
18	P. Out of this appropriation, \$500,000 the first year from the general fund is provided for				
19	the Department of Criminal Justice Services to award grants to localities for training				
20	related to enforcement of the removal of firearms based on substantial risk protective				
21	orders.				
22	R. Out of this appropriation, \$150,000 the first year from the general fund is provided for				
23	community assessments for youth and gang violence prevention initiatives in Hampton,				
24	Newport News, Norfolk, Richmond, Roanoke, and Petersburg.				
25	S.1. Included within the appropriation for this item is \$6,402,200 in the first year from the				
26	general fund for the Department to make one-time grants to law enforcement agencies				
27	located in the Commonwealth employing law enforcement officers with primary law				
28	enforcement duties, including but not limited to state agencies, local agencies, and				
29	colleges and universities, for the purpose of purchasing, operating, and maintaining body-				
30	worn camera systems. Qualified uses for grant funds shall include one-time costs				
31	associated with such body-worn camera systems, to include equipment, data storage, and				
32	technology costs, and other one-time costs associated with the purchase, operation, and				
33	maintenance of body-worn camera systems, as determined to be eligible by the				
34	Department.				
35	2. The funding in this paragraph also includes \$56,895 in the first year and \$113,790 in the				
36	second year from the general fund for a coordinator position to manage the Body Worn				
37	Camera Grant.				
38	3. Any distributions made to a local law enforcement agency under this paragraph shall				
39	require a 50 percent match from local fund sources.				
40	4. The Department shall report on the distributions made under the Grant to the Chairs of				
41	the House Appropriations and the Senate Finance and Appropriations Committees by				
42	September 30, 2021. The report shall include information on distributions made by				
43	agency, description and amount of equipment purchased per agency, and any balances				
44	remaining from this funding.				
45	T. Included in the appropriation for this item is \$250,000 the second year from the general				
46	fund as a one-time appropriation for the Big H.O.M.I.E.S. program.				
47	407. Not set out.				
48	408. Not set out.				
49	409. Not set out.				
50	409.10 Not set out.				

ITEM 409.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Total for Department of Criminal Justice Services.....			\$370,204,405	\$361,049,982
2	General Fund Positions.....	74.50	80.50		
3			81.50		
4	Nongeneral Fund Positions.....	74.50	76.50		
5			81.50		
6	Position Level.....	149.00	157.00		
7			163.00		
8	Fund Sources: General.....	\$265,801,659	\$252,647,236		
9	Special.....	\$10,498,796	\$10,498,796		
10	Trust and Agency.....	\$4,298,130	\$4,298,130		
11	Dedicated Special Revenue.....	\$13,605,820	\$13,605,820		
12	Federal Trust.....	\$76,000,000	\$80,000,000		

13 § 1-25. DEPARTMENT OF EMERGENCY MANAGEMENT (127)

14	410.	Not set out.			
15	411.	Emergency Response and Recovery (77600).....		\$33,919,311	\$44,172,106
16					\$44,220,540
17		Emergency Response and Recovery Services			
18		(77601).....		\$2,798,230	\$2,798,230
19					\$2,846,664
20		Financial Assistance for Emergency Response and			
21		Recovery (77602).....		\$20,189,470	\$20,189,470
22		Emergency Response Direct Support (77603).....		\$102,604	\$102,604
23		Disaster Recovery Services (77604).....		\$10,829,007	\$21,081,802
24		Fund Sources: General.....		\$11,322,951	\$21,575,746
25		Special.....		\$306,340	\$306,340
26		Commonwealth Transportation.....		\$1,295,713	\$1,295,713
27					\$1,344,147
28		Federal Trust.....		\$20,994,307	\$20,994,307

29 Authority: Title 44, Chapters 3.2 through 3.5, §§ 44-146.17, 44-146.18(c), 44-146.22, 44-  
30 146.28(a) Code of Virginia.

31 A. Subject to authorization by the Governor, the Department of Emergency Management may  
32 employ persons to assist in response and recovery operations for emergencies or disasters  
33 declared either by the President of the United States or by the Governor of Virginia. Such  
34 employees shall be compensated solely with funds authorized by the Governor or the federal  
35 government for the emergency, disaster, or other specific event for which their employment  
36 was authorized. The Director, Department of Planning and Budget, is authorized to increase  
37 the agency's position level based on the number of positions approved by the Governor.

38 B. The Secretary of Finance, consistent with any Executive Order signed by the Governor,  
39 may provide the department anticipation loans in such amounts as may be needed to  
40 appropriately reimburse localities and state agencies for costs associated with Emergency  
41 Management Assistance Compact (EMAC) mission assignments. Such loans shall be based  
42 on the reimbursements anticipated under the Emergency Management Assistance Compact  
43 (EMAC) and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a  
44 period longer than twelve months.

45 C.1. Localities receiving reimbursements from the department for Emergency Management  
46 Assistance Compact (EMAC) mission costs shall reimburse the Department of Emergency  
47 Management for any overpayments within sixty (60) days of written notification of such  
48 overpayment.

49 2. Overpayment amounts shall be based on the difference between the amount reimbursed to  
50 the locality by the Department of Emergency Management and the amount reimbursed to the  
51 Department of Emergency Management by the state requesting emergency aid under the  
52 Compact.

ITEM 411.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	3. If the locality does not reimburse the Department of Emergency Management the			
2	overpaid amount within sixty (60) days of being notified, the Comptroller is authorized to			
3	withhold from any funds to be transferred to the locality the amount overpaid to the			
4	locality and transfer such withheld funds to the Department of Emergency Management.			
5	D. Consistent with any Executive Order signed by the Governor, the Secretary of Finance			
6	or his designee may provide the department anticipation loans in such amounts as may be			
7	needed to appropriately reimburse the department for disaster related costs. Such loans			
8	shall be based on the federal reimbursements anticipated in accordance with the Robert T.			
9	Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the			
10	provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve			
11	months, if necessary.			
12	E. Out of this appropriation, \$10,821,506 the first year and \$21,074,301 the second year			
13	from the general fund is provided for coordinating response and recovery efforts related to			
14	the COVID-19 pandemic. Funding shall be used for but is not limited to the pandemic			
15	response purposes listed below:			
16	1. \$11,624,471 the second year is provided for the purchase, storage, and distribution of			
17	personal protective equipment (PPE) to fulfill requests received through the Virginia			
18	Emergency Support Team and the Unified Command;			
19	2. \$569,833 the first year and \$569,833 the second year is provided for continuing			
20	operations of the Joint Information Center including coordinating disaster communications			
21	in a COVID-19 environment and broadcasting official press conferences;			
22	3. \$8,050,173 the first year and \$6,678,497 the second year is provided for continuing			
23	operations of the Virginia Emergency Operations Center (VEOC) including costs related			
24	to staff augmentation, various consultant services, and supporting virtual operation of the			
25	VEOC; and			
26	4. \$2,201,500 the first year and \$2,201,500 the second year is provided for contracts that			
27	support the Health Equity Work Group as it develops COVID-19 response and recovery			
28	plans focused on diversity, equity and inclusion.			
29	5. The department, with appropriate documentation, may move the funds listed in			
30	subparagraphs 1, 2, 3, and 4 above to any other purpose listed above or for other COVID-			
31	19 pandemic response efforts.			
32	6. The department shall maintain sufficient records and documentation to report the			
33	specific use of these funds. No later than August 15, 2021, the department shall report the			
34	use of these funds in FY 2021 along with an estimate of the proposed use of the funding			
35	appropriated in FY 2022 and any additional funds that may be required to respond to the			
36	COVID-19 pandemic to the Governor, the Chairperson of the House Appropriations			
37	Committee, the Chairperson of the Senate Finance and Appropriations Committee, and the			
38	Director of the Department of Planning and Budget.			
39	412.	Not set out.		
40	413.	Not set out.		
41	414.	Not set out.		
42	414.10	Not set out.		
43	414.20	Not set out.		
44	414.30	Not set out.		
45				\$102,978,463
46	Total for Department of Emergency Management....			\$116,795,948
				\$116,844,382
47	General Fund Positions.....	45.85	55.85	

ITEM 414.30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Nongeneral Fund Positions.....	133.15	136.15		
2	Position Level.....	179.00	192.00		
3	Fund Sources: General.....	\$20,767,247	\$34,269,142		
4	Special.....	\$3,211,934	\$3,211,934		
5	Commonwealth Transportation.....	\$1,359,475	<del>\$1,359,475</del>		
6			\$1,407,909		
7	Dedicated Special Revenue.....	\$25,684,099	\$25,761,917		
8	Federal Trust.....	\$51,955,708	\$52,193,480		
9	<b>§ 1-26. DEPARTMENT OF FIRE PROGRAMS (960)</b>				
10	415. Not set out.				
11	416. Not set out.				
12	417. Regulation of Structure Safety (56200).....			\$3,093,597	<del>\$3,093,597</del>
13					\$3,136,597
14	State Fire Prevention Code Administration (56203)....	\$3,093,597	<del>\$3,093,597</del>		
15			\$3,136,597		
16	Fund Sources: General.....	\$2,533,475	<del>\$2,533,475</del>		
17			\$2,576,475		
18	Special.....	\$560,122	\$560,122		
19	Authority: §§ 9.1-201, 9.1-206, and 27-94 through 27-99, Code of Virginia.				
20	The State Fire Marshal may charge no fee for any permits or inspections of any school,				
21	whether it be public or private.				
22	417.10 Not set out.				
23	Total for Department of Fire Programs.....			<b>\$46,900,955</b>	<b><del>\$48,819,915</del></b>
24					<b>\$48,862,915</b>
25	General Fund Positions.....	29.25	29.25		
26	Nongeneral Fund Positions.....	49.75	49.75		
27	Position Level.....	79.00	79.00		
28	Fund Sources: General.....	\$2,533,475	<del>\$2,533,475</del>		
29			\$2,576,475		
30	Special.....	\$44,117,480	\$46,036,440		
31	Federal Trust.....	\$250,000	\$250,000		
32	418. Not set out.				
33	418.10 Not set out.				
34	419. Not set out.				
35	420. Not set out.				
36	421. Not set out.				
37	422. Not set out.				
38	423. Not set out.				
39	424. Not set out.				
40	425. Not set out.				

ITEM 426.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	426.	Not set out.			
2	427.	Not set out.			
3	428.	Not set out.			
4	428.10	Not set out.			
5	429.	Not set out.			
6	429.10	Not set out.			
7	TOTAL FOR OFFICE OF PUBLIC SAFETY				
8	AND HOMELAND SECURITY .....				
9				<b>\$3,497,697,592</b>	<b>\$3,612,800,958</b>
10	General Fund Positions.....	17,661.10	<del>17,788.10</del>		
11			17,789.10		
12	Nongeneral Fund Positions.....	2,369.90	<del>2,487.90</del>		
13			2,492.90		
14	Position Level.....	20,031.00	<del>20,276.00</del>		
15			20,282.00		
16	Fund Sources: General.....	\$2,205,978,062	<del>\$2,254,848,975</del>		
17			\$2,261,670,290		
18	Special.....	\$166,781,345	\$165,006,186		
19	Commonwealth Transportation.....	\$10,443,062	<del>\$10,443,062</del>		
20			\$10,491,496		
21	Enterprise.....	\$904,063,666	\$967,289,351		
22	Trust and Agency.....	\$4,298,130	\$4,298,130		
23	Dedicated Special Revenue.....	\$55,994,374	\$56,547,192		
24	Federal Trust.....	\$150,138,953	\$154,368,062		

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF TRANSPORTATION</b>			
<b>2</b>	<b>§ 1-27. SECRETARY OF TRANSPORTATION (186)</b>			
<b>3</b>	430. Administrative and Support Services (79900).....		\$953,895	\$953,895
<b>4</b>	General Management and Direction (79901).....	\$953,895	\$953,895	
<b>5</b>	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895	
<b>6</b>	Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of			
<b>7</b>	Virginia.			
<b>8</b>	A. The transportation policy goals enumerated in this act shall be implemented by the			
<b>9</b>	Secretary of Transportation, including the secretary acting as Chairman of the Commonwealth			
<b>10</b>	Transportation Board.			
<b>11</b>	1. The maintenance of existing transportation assets to ensure the safety of the public shall be			
<b>12</b>	the first priority in budgeting, allocation, and spending. The highway share of the			
<b>13</b>	Transportation Trust Fund shall be used for highway maintenance and operation purposes			
<b>14</b>	prior to its availability for new development, acquisition, and construction.			
<b>15</b>	2. It is in the interest of the Commonwealth to have an efficient and cost-effective			
<b>16</b>	transportation system that promotes economic development and all modes of transportation,			
<b>17</b>	intermodal connectivity, environmental quality, accessibility for people and freight, and			
<b>18</b>	transportation safety. The planning, development, construction, and operations of Virginia's			
<b>19</b>	transportation facilities will reflect this goal.			
<b>20</b>	3. To the greatest extent possible, the appropriation of transportation revenues shall reflect			
<b>21</b>	planned spending of such revenues by agency and by program.			
<b>22</b>	B. The maximization of all federal transportation funds available to the Commonwealth shall			
<b>23</b>	be paramount in the budgetary, spending, and allocation processes.			
<b>24</b>	1. Notwithstanding any provision of law to the contrary, the secretary and all agencies within			
<b>25</b>	the transportation secretariat are hereby authorized to take all actions necessary to ensure that			
<b>26</b>	federal transportation funds are allocated and utilized for the maximum benefit of the			
<b>27</b>	Commonwealth, whether such actions or funds or both are authorized under <i>P.L. 117-58 of</i>			
<b>28</b>	<i>the 117th Congress P.L. 114-94 of the 114th Congress</i> , or any successor or related federal			
<b>29</b>	transportation legislation, or regulation, rule, or guidance issued by the U.S. Department of			
<b>30</b>	Transportation or any federal agency. The secretary and agencies within the transportation			
<b>31</b>	secretariat shall utilize, to the maximum extent practicable, the flexibility provided in federal			
<b>32</b>	law, regulation, rule, or guidance to use federal funds in a manner consistent with the Code of			
<b>33</b>	Virginia. However, neither the secretary nor an agency in the transportation secretariat may			
<b>34</b>	materially delay a project selected pursuant to § 33.2-214.1, Code of Virginia, under the			
<b>35</b>	authority in this paragraph.			
<b>36</b>	2. The secretary shall ensure that the allocation of transportation funds apportioned and for			
<b>37</b>	which obligation authority is expected to be available under federal law shall be in accordance			
<b>38</b>	with such laws and in support of the transportation policy goals enumerated in section A. of			
<b>39</b>	this Item. Furthermore, the secretary is authorized to take all actions necessary to allocate the			
<b>40</b>	required match for federal highway funds to ensure their appropriate and timely obligation			
<b>41</b>	and expenditure within the fiscal constraints of state transportation revenues and in support of			
<b>42</b>	the efforts addressed in B.1. By June 1 of each year, the secretary, as Chairman of the Board,			
<b>43</b>	shall report to the Governor and General Assembly on the allocation of such federal			
<b>44</b>	transportation funds and the actions taken to provide the required match.			
<b>45</b>	3. The board shall only make allocations providing the required match for federal Regional			
<b>46</b>	Surface Transportation Block Grant Program funds to those Metropolitan Planning			
<b>47</b>	Organizations in urbanized areas greater than 200,000 that, in consultation with the Office of			
<b>48</b>	Intermodal Planning and Investment, have developed regional transportation and land use			
<b>49</b>	performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and			
<b>50</b>	have been approved by the board.			

ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	4. Projects funded, in whole or part, from federal funds referred to as congestion			
2	mitigation and air quality improvement, shall be selected as directed by the board. Such			
3	funds shall be federally obligated within 12 months of their allocation by the board and			
4	expended within 36 months of such obligation. If the requirements included in this			
5	paragraph are not met by such agency or recipient, then the board shall use such federal			
6	funds for any other project eligible under 23 USC 149.			
7	5. Funds made available to the Metropolitan Planning Organizations known as the			
8	Regional Surface Transportation Block Grant Program for urbanized areas greater than			
9	200,000 shall be federally obligated within 12 months of their allocation by the board and			
10	expended within 36 months of such obligation. If the requirements included in this			
11	paragraph are not met by the recipient, then the board may rescind the required match for			
12	such federal funds.			
13	6. Notwithstanding paragraph B.2. of this Item, the required matching funds for			
14	Transportation Alternatives projects are to be provided by the project sponsor of the			
15	federal-aid funding.			
16	7. Federal transportation funds as well as the required state matching funds may be			
17	allocated by the Commonwealth Transportation Board for transit purposes under the same			
18	rules and conditions authorized by federal law in a manner consistent with the Code of			
19	Virginia. The Commonwealth Transportation Board, in consultation with the appropriate			
20	local and regional entities, may allocate state revenues to local and regional public transit			
21	operators, for operating and/or capital purposes.			
22	8. If a regional area (or areas) of the Commonwealth is determined to be not in compliance			
23	with Clean Air Act rules regarding conformity and as a result federal and/or state			
24	allocations, apportionments or obligations cannot be used to fund or support transportation			
25	projects or programs in that area, such funds may be used to finance demand management,			
26	conformity, and congestion mitigation projects to the extent allowed by federal law. Any			
27	remaining amount of such allocations, apportionments, or obligations shall be set aside to			
28	the extent possible under law for use in that regional area.			
29	9. Appropriations in this act related to federal revenues outlined in this section may be			
30	adjusted by the Director, Department of Planning and Budget, upon request from the			
31	Secretary of Transportation, as needed to utilize and allocate additional federal funds that			
32	may become available.			
33	10. The secretary shall ensure that any bonds issued pursuant to Article 4, Chapter 15 of			
34	Title 33.2 shall be programmed to eligible projects selected and funded through the High			
35	Priority Projects Program pursuant to § 33.2-370 or the Construction District Grant			
36	Program pursuant to §33.2-371. In any year such bond proceeds are allocated to one or			
37	both of the programs, the secretary shall take all necessary action to ensure that each			
38	program is provided with the same overall amount of monies though the mix of bond			
39	proceeds, state revenues, and federal revenues provided to each program may vary as			
40	deemed appropriate by the secretary.			
41	<i>11. The Commonwealth Transportation Board, with the assistance of the Virginia</i>			
42	<i>Department of Transportation, shall develop a plan for the allocation of funds made</i>			
43	<i>available through a bridge replacement, rehabilitation, preservation, protection and</i>			
44	<i>construction program established pursuant to the Infrastructure Investment and Jobs Act.</i>			
45	<i>Such plan shall include (i) an investment strategy that provides for long-term sustainable</i>			
46	<i>performance of the Commonwealth's bridges, (ii) allocation of funds without regard to</i>			
47	<i>whether a structure is state-maintained or locally-maintained, and (iii) be developed</i>			
48	<i>considering the investment strategy and outcomes of the comprehensive review of</i>			
49	<i>pavements and bridges submitted to the Governor and General Assembly pursuant to the</i>			
50	<i>second enactment of Chapters 83 and 349 of the 2019 Acts of Assembly</i>			
51	<i>12. The Commonwealth Transportation Board shall develop a plan for the use of funds</i>			
52	<i>made available through the National Electric Vehicle Formula Program established by</i>			
53	<i>the Infrastructure Investment and Jobs Act by the deadline established by the United</i>			
54	<i>States Secretary of Transportation. The plan shall consider designated national electric</i>			
55	<i>vehicle charging corridors, opportunities to partner with private parties, and other factors</i>			
56	<i>included in federal guidance for such program.</i>			

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C. The secretary may ensure that appropriate action is taken to maintain a minimum cash				
2	balance and/or cash reserve in the Highway Maintenance and Operating Fund.				
3	D.1. The Office of Intermodal Planning and Investment shall recommend to the				
4	Commonwealth Transportation Board all allocations of funds made available in subsections				
5	A. and B. of Item 446. The planning and evaluation may be conducted or managed by the				
6	Department of Transportation, Department of Rail and Public Transportation, or another				
7	qualified entity selected and/or approved by the Commonwealth Transportation Board.				
8	2. The office shall be responsible for implementing the statewide prioritization <del>process</del>				
9	<i>processes</i> pursuant to § 33.2-214.1 and § 33.2-372 for the Commonwealth Transportation				
10	Board.				
11	3. The office shall work directly with affected Metropolitan Planning Organizations to				
12	develop and implement quantifiable and achievable goals relating to congestion reduction and				
13	safety, transit and HOV usage, job/housing ratios, job and housing access to transit and				
14	pedestrian facilities, air quality, and/or per-capita vehicle miles traveled pursuant to Chapters				
15	670 and 690 of the 2009 Acts of Assembly.				
16	4. For allocation of funds under Paragraph 1, the office may give a higher priority for				
17	planning grants to (i) regional organizations to analyze various land development scenarios				
18	for their long range transportation plans, (ii) local governments to revise their comprehensive				
19	plans and other applicable local ordinances to designate urban development areas pursuant to				
20	Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act,				
21	and (iii) local governments, regional organizations, transit agencies and other appropriate				
22	entities to develop plans for transit oriented development and the expansion of transit service.				
23	Such analyses, plans, and ordinances shall be shared with the regional planning district				
24	commission or metropolitan planning organization and the Commonwealth Transportation				
25	Board.				
26	E.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute,				
27	and/or endorse applications submitted by private entities or political subdivision of the				
28	Commonwealth to obtain federal credit assistance for one or more qualifying transportation				
29	infrastructure projects or facilities to be developed pursuant to the Public-Private				
30	Transportation Act of 1995, as amended. Any such application, agreement and/or				
31	endorsement shall not financially obligate the Commonwealth or be construed to implicate the				
32	credit of the Commonwealth as security for any such federal credit assistance.				
33	2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise				
34	apply for, and execute, an agreement to obtain financing using a federal credit instrument for				
35	project financings otherwise authorized by this Act or other Acts of Assembly.				
36	F. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall				
37	only be used to supplement, not supplant, any local funds provided for transportation				
38	programs within the localities authorized to impose the fees under the provisions of § 58.1-				
39	3221.3, Code of Virginia.				
40	G. The Director, Department of Planning and Budget, is authorized to adjust the appropriation				
41	of transportation agencies in order to utilize proceeds from the sale of Commonwealth of				
42	Virginia Transportation Capital Projects Revenue Bonds which were authorized in a prior				
43	fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the				
44	2007 General Assembly Session.				
45	H. The Director, Department of Planning and Budget, is authorized to adjust the appropriation				
46	of transportation agencies in order to utilize proceeds from the sale of Commonwealth of				
47	Virginia Federal Transportation Grant Anticipation Revenue Notes.				
48	<del>F. In programming funds for the reconstruction and rehabilitation of structurally deficient</del>				
49	<del>bridges pursuant to § 33.2-358 C.(i), Code of Virginia, the Commonwealth Transportation</del>				
50	<del>Board shall consider both state and locally-owned bridges.</del>				
51	J. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202) and				
52	Chapter 766 of the Acts of Assembly of 2013 (HB 2313), <i>Chapters 837 and 846 of the 2019</i>				
53	<i>Acts of Assembly, and Chapters 1230 and 1275 of the 2020 Acts of Assembly</i> that were				



ITEM 430.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	dedicated to transportation-related funds have been appropriated in conformity with the			
2	requirements of those respective chapters.			
3	K. Notwithstanding § 33.2-502, Code of Virginia, the high-occupancy requirement for a			
4	HOT lane facility that is constructed as a result of the Public-Private Transportation Act (§			
5	33.2-1800 et. seq.) (i) with an initial construction cost in excess of \$3 billion and whose			
6	operation, maintenance, or financing is not a result of the same comprehensive agreement			
7	that resulted in the facility's construction shall be not less than two-, or (ii) that is located			
8	on the same Interstate corridor and partially located within the same urbanized areas.			
9	L. In recognition of the funds provided in subsection B 6 of Item 447.10, the Department			
10	of Rail and Public Transportation shall use \$3,600,000 in the second year from the Transit			
11	Ridership Incentive Program for regional connectivity programs focused on congestion			
12	reduction and mitigation through provision of long-distance commuter routes. The			
13	Secretary shall provide to the Chairs of House Appropriations, Senate Finance and			
14	Appropriations, House Transportation and Senate Transportation Committees the			
15	methodology used and the distributions of such funds to transit systems by June 30, 2022.			
16	M. It is the intent of the General Assembly that the Secretary of Transportation and the			
17	Secretary of Natural Resources, in consultation with the Chairs of the House			
18	Appropriations, Senate Finance and Appropriations, House Transportation, Senate			
19	Transportation, House Agriculture, Chesapeake and Natural Resources, and Senate			
20	Agriculture, Conservation and Natural Resources Committees, and counties containing			
21	subject outfalls, shall evaluate the scope of drainage outfalls across the Commonwealth			
22	originating from Virginia Department of Transportation (VDOT) maintained roads with			
23	no assigned maintaining entity, and recommend cost-effective solutions and means by			
24	which to fund maintenance of such outfalls. The Secretaries shall provide an interim			
25	report detailing their evaluation to the aforementioned committee chairs no later than			
26	December 31, 2020 and a final report of their findings, if not included in the December			
27	report, by September 30, 2021.			
28	N. Prior to the execution of any Memorandum of Understanding on behalf of the			
29	Commonwealth of Virginia for participation in the construction of any potential			
30	improvements to the bridge and related railroad infrastructure located between the Rosslyn			
31	(RO) Interlocking near Long Bridge Park in Arlington, Virginia and the L'Enfant (LE)			
32	Interlocking near 10th Street SW in Washington, D.C., or prior to the authorization for the			
33	issuance of any bonds or the sale of any land by the Virginia Passenger Rail Authority, as			
34	may be established by legislation adopted by the 2020 Session of the General Assembly			
35	that becomes law, the Secretary of Transportation shall present, for their review, to the			
36	MEI Project Approval Commission established pursuant to Chapter 47 (§ 30-309 et seq.)			
37	of Title 30, a draft of any Memorandum of Understanding, any proposed bond issuance, or			
38	contract related to the sale of land, or the terms of any agreement between or among any			
39	political subdivision of the Commonwealth of Virginia, any political subdivision of the			
40	United States, federal government agency, the National Passenger Railroad Corporation, a			
41	commuter rail service jointly operated by the Northern Virginia Transportation District			
42	established pursuant to § 33.2-1904 and the Potomac Rappahannock Transportation			
43	District established pursuant to the Transportation District Act (§ 33.2-1900 et seq.), and			
44	any Class I private railroad corporation.			
45	O.1. Notwithstanding § 33.2-214, the Six-Year Improvement Program adopted June 19,			
46	2019, and as amended shall remain in effect through June 30, 2021, or until a new Six-			
47	Year Improvement Program is adopted that is based on the official Commonwealth			
48	Transportation Fund revenue forecast reflecting the impacts of COVID-19 pandemic.			
49	2. Notwithstanding any other provisions of law, the assistance provided for fiscal year			
50	2021 under Item 442 A.1.a and A.1.c may be maintained up to the levels allocated in the			
51	Six Year Improvement Program approved by the Commonwealth Transportation Board on			
52	June 19, 2019 until a Six-Year Improvement Program is adopted pursuant to paragraph			
53	O.1. of this item.			
54	P. It is the intent of the General Assembly that the Commonwealth Transportation Board			
55	shall take steps necessary to address the reduction in revenues available for the			
56	Commonwealth Transportation Fund pursuant to § 33.2-1524, Code of Virginia, in a			
57	manner to reduce the impacts on currently programmed projects and to allow for a phased			

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	implementation of the additional revenues made available by Chapters 1230 and 1275 of the				
2	2020 Acts of Assembly.				
3	1. The Commonwealth Transportation Board may utilize Revenue Sharing Funds allocated to				
4	a project in fiscal year 2020 or previous fiscal years that is not currently needed to support the				
5	project based on the project's current schedule to increase the funding available to the				
6	Commonwealth Transportation Fund (CTF) for distribution to the funds and programs				
7	supported by the CTF to help mitigate the impacts of the reduced revenues resulting from				
8	COVID-19 and reflected in the August 2020 Official Revenue Forecast. Any project				
9	allocations utilized will be replaced in the year or years needed to maintain the project's				
10	current schedule, but no later than FY 2024, from funds made available pursuant to § 33.2-				
11	357, Code of Virginia.				
12	2. The Commonwealth Transportation Board may utilize Revenue Sharing Funds provided in				
13	FY 2020 or prior fiscal years that were not allocated to a specific revenue sharing project as of				
14	June 30, 2020, to increase the funding available to the Commonwealth Transportation Fund				
15	(CTF) for distribution to the funds and programs supported by the CTF to help mitigate the				
16	impacts of the reduced revenues resulting from COVID-19 and reflected in the August 2020				
17	Official Revenue Forecast.				
18	3. The Commonwealth Transportation Board may utilize amounts allocated to a project				
19	through the State of Good Repair, High Priority Projects and District Grant Programs				
20	included in the FY2020-2025 Six-Year Improvement Program not needed in the year				
21	provided to support the project based on the project's current schedule to increase the funding				
22	available to the Commonwealth Transportation Fund (CTF) for distribution to the funds and				
23	programs supported by the CTF to help mitigate the impacts of the reduced revenues resulting				
24	from COVID-19 and reflected in the August 2020 Official Revenue Forecast. Any project				
25	allocations utilized shall be replaced in the year or years needed to maintain the project's				
26	schedule, provided that any funding shall be replaced no later than fiscal year 2025 from				
27	funds available in the Commonwealth Transportation Fund.				
28	4. That notwithstanding enactment clauses 11 and 13 of Chapters 1230 and 1275 of the 2020				
29	Acts of Assembly, the Commonwealth Transportation Board (i) shall take actions deemed				
30	necessary in fiscal years 2021, 2022 and 2023 to ensure appropriate coverage ratios for any				
31	outstanding debt backed by the Transportation Trust Fund and (ii) shall distribute available				
32	funds, taking into consideration the impacts of the reduced revenues resulting from COVID-				
33	19 and reflected in the August 2020 Official Revenue Forecast, to the modal programs and the				
34	highway maintenance and operating fund in such a manner as to protect core programs,				
35	services, and existing projects, and to provide funding for the purposes set forth in §§ 33.2-				
36	372 and 33.2-373, Code of Virginia.				
37	5. The Commonwealth Transportation Board may for fiscal year 2021 reduce the funding				
38	available pursuant to subdivisions D 2, D 4 and D 5 of § 33.2-1526.1, Code of Virginia, to				
39	increase the funding available for the purposes of subdivision D 1 and D 3 of § 33.2-1526.1,				
40	Code of Virginia.				
41	6. The Secretary shall report to the Governor and Chairs of the House Appropriations and				
42	Senate Finance and Appropriations Committees on the funding actions planned to be taken				
43	under the authority provided by P.1. through 5. of this item, as well as any actions taken				
44	pursuant to language included in Item 444.B of this act, within five [5] business days				
45	following the presentation of such proposed actions to the Commonwealth Transportation				
46	Board. The reporting shall include a listing of the programs and projects impacted, identifying				
47	the amount and timing of the use and subsequent replacement of project allocations as				
48	required to maintain project schedules. Furthermore, within five [5] business days of a				
49	subsequent meeting of the Commonwealth Transportation Board in which official action				
50	related to the proposed funding actions is taken, the Secretary shall report to the Governor and				
51	Chairs of the House Appropriations and Senate Finance and Appropriations Committees the				
52	funding actions approved by the Commonwealth Transportation Board, denoting any changes				
53	from the previously reported proposed funding actions. Furthermore, in order to ensure the				
54	General Assembly has the opportunity to express its disapproval of any proposed funding				
55	shifts, no changes to project allocations shall be made at the same meeting at which they are				
56	proposed, but shall be delayed until the subsequent meeting of the Commonwealth				
57	Transportation Board.				

ITEM 430.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Q. It is the intent of the General Assembly that state funds in the Commonwealth				
2	Transportation Fund and federal funds provided on a recurring, non-one-time basis, for				
3	surface transportation be distributed and allocated at the discretion of the entities				
4	responsible for such funds based on the policy direction and requirements set forth in the				
5	Code of Virginia.				
6	R. Notwithstanding the provisions of § 33.2-3603, Code of Virginia, the I-81 Advisory				
7	Committee shall be required to meet at a minimum of two times a year, with additional				
8	meetings called at the discretion of the Chair.				
9	Total for Secretary of Transportation.....			\$953,895	\$953,895
10	Nongeneral Fund Positions.....	6.00	6.00		
11	Position Level.....	6.00	6.00		
12	Fund Sources: Commonwealth Transportation.....	\$953,895	\$953,895		
13	431. Not set out.				
14	<b>§ 1-28. DEPARTMENT OF AVIATION (841)</b>				
15	432. Not set out.				
16	433. Not set out.				
17	434. State Aircraft Flight Operations (65600).....			\$2,958,246	\$2,958,246
18	State Aircraft Operations and Maintenance (65602)				
19		\$2,958,246	\$2,958,246		
20	Fund Sources: General.....	\$30,246	\$30,246		
21	Commonwealth Transportation.....	\$2,928,000	\$2,928,000		
22	Authority: Title 5.1, Chapter 1, Code of Virginia.				
23	<i>Pursuant to § 5.1-4 of the Code of Virginia, the Department of Aviation is authorized to</i>				
24	<i>purchase a jet aircraft using Aviation Special Funds to replace one existing King Air 350</i>				
25	<i>aircraft. The department is directed to either trade-in or sell the King Air 350 aircraft to</i>				
26	<i>reduce financing requirements. Any proceeds related to a sale of the King Air 350 shall be</i>				
27	<i>retained by the department and used toward this purchase.</i>				
28	435. Not set out.				
29	Total for Department of Aviation.....			\$39,986,870	\$42,792,425
30	Nongeneral Fund Positions.....	37.00	37.00		
31	Position Level.....	37.00	37.00		
32	Fund Sources: General.....	\$30,246	\$30,246		
33	Commonwealth Transportation.....	\$39,456,624	\$42,056,624		
34	Federal Trust.....	\$500,000	\$705,555		
35	<b>§ 1-29. DEPARTMENT OF MOTOR VEHICLES (154)</b>				
36	436. Ground Transportation Regulation (60100).....			\$216,673,180	\$216,673,180
37	Customer Service Centers Operations (60101).....	\$156,643,065	\$156,643,065		
38	Ground Transportation Regulation and				
39	Enforcement (60103).....	\$45,505,878	\$45,505,878		
40	Motor Carrier Regulation Services (60105).....	\$14,524,237	\$14,524,237		
41	Fund Sources: Commonwealth Transportation.....	\$209,226,580	\$209,226,580		
42	Trust and Agency.....	\$5,446,600	\$5,446,600		
43	Federal Trust.....	\$2,000,000	\$2,000,000		
44	Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through				

ITEM 436.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States			
2	Code.			
3	A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where			
4	feasible and cost efficient, contracts with private/public partnerships with commercial			
5	operations, to provide for simplification and streamlining of service to citizens through			
6	electronic means. Provided, however, that such commercial operations shall not be entitled to			
7	compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to			
8	those established by the commissioner.			
9	B. The Department of Motor Vehicles shall work to increase the use of alternative service			
10	delivery methods, which may include offering discounts on certain transactions conducted			
11	online, as determined by the department. As part of its effort to shift customers to internet			
12	usage where applicable, the department shall not charge its customers for the use of credit			
13	cards for internet or other types of transactions; however, this restriction shall not apply with			
14	respect to any credit or debit card transactions the department conducts on behalf of another			
15	agency, provided (i) the other agency is authorized to charge customers for the use of credit or			
16	debit cards and (ii) the merchant's fees and other transaction costs imposed by the card issuer			
17	are charged to the department.			
18	C. In order to provide citizens of the Commonwealth greater access to the Department of			
19	Motor Vehicles, the agency is authorized to enter into an agreement with any local			
20	constitutional officer or combination of officers to act as a license agent for the department,			
21	with the consent of the chief administrative officer of the constitutional officer's county or			
22	city, and to negotiate a separate compensation schedule for such office other than the schedule			
23	set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any			
24	compensation due to a constitutional officer serving as a license agent shall be remitted by the			
25	department to the officer's county or city on a monthly basis, and not less than 80 percent of			
26	the sums so remitted shall be appropriated by such county or city to the office of the			
27	constitutional officer to compensate such officer for the additional work involved with			
28	processing transactions for the department. Funds appropriated to the constitutional office for			
29	such work shall not be used to supplant existing local funding for such office, nor to reduce			
30	the local share of the Compensation Board-approved budget for such office below the level			
31	established pursuant to general law.			
32	D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross			
33	collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000			
34	made by the entity during each fiscal year on such state taxes and fees in place as a matter of			
35	law. The commissioner shall supply the agents with all necessary agency forms to provide			
36	services to the public, and shall cause to be paid all freight and postage, but shall not be			
37	responsible for any extra clerk hire or other business-related expenses or business equipment			
38	expenses occasioned by their duties.			
39	E. Out of the amounts identified in this Item, an amount estimated at \$372,006 the first year			
40	and \$372,006 the second year from the Commonwealth Transportation Fund shall be paid to			
41	the Washington Metropolitan Area Transit Commission.			
42	F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee			
43	of \$15 for all titles. The revenue generated from this fee shall be set aside to meet the			
44	expenses of the department.			
45	2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on			
46	all registration renewal transactions that occur after the expiration date. The late fee shall not			
47	apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late			
48	renewal fee the department shall provide a ten day grace period for transactions conducted by			
49	mail to allow for administrative processing. This grace period shall not apply to registration			
50	renewals for vehicles registered under the International Registration Plan. The revenue			
51	generated from this fee shall be set aside to meet the expenses of the department.			
52	3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum			
53	fee for original driver's licenses and replacements. The revenue generated from this fee shall			
54	be set aside to meet the expenses of the department.			
55	G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing			

ITEM 436.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	capital leases due to expire during the current biennium for existing customer service			
2	centers.			
3	H. The Department of Motor Vehicles is hereby appropriated revenues from the additional			
4	sales tax on fuel in certain transportation districts to recover the direct cost of			
5	administration incurred by the department in implementing and collecting this tax as			
6	provided by § 58.1-2295, Code of Virginia.			
7	I. The Commissioner of the Department of Motor Vehicles, in consultation with the			
8	Commissioner of Highways, shall take such steps as may be necessary to expand access to			
9	the E-ZPass program through its customer service channels using such locations and			
10	methods as are practicable.			
11	J. The Department of Motor Vehicles is hereby granted approval to distribute the			
12	transactional charges of the Cardinal accounting system to state agencies, when the			
13	transactions involve funds passed through the department to the benefiting agency. This			
14	paragraph shall not pertain to Direct Aid to Public Education.			
15	K. The Department of Motor Vehicles is hereby granted approval to distribute a portion of			
16	its indirect cost allocation charge to another state agency when the charge is related to			
17	revenue collected and transferred by the department to the state agency. Such transfers			
18	shall be based on the agency's proportionate share of the department's total transactions in			
19	the immediately preceding fiscal year. The Department shall annually submit to the			
20	Department of Planning and Budget a summary of the transfer amounts and the			
21	transaction volumes used to allocate the internal cost amounts.			
22	L. Notwithstanding § 46.2-688, Code of Virginia, the Department of Motor Vehicles shall			
23	not be required to refund a proration of the total cost of a motor vehicle registration when			
24	less than six months remain in the registration period. Any resulting savings shall be			
25	retained and used to meet the expenses of the Department.			
26	M. Notwithstanding § 46.2-342, Code of Virginia, the Department of Motor Vehicles shall			
27	not be required to include organ donation brochures with every driver's license renewal			
28	notice or application mailed to licensed drivers.			
29	N. The Commissioner shall only refuse to issue or renew any vehicle registration pursuant			
30	to subsection L of § 46.2-819.3:1 of an operator or owner of a vehicle who has no prior			
31	resolution, whether that resolution is by settlement or conviction, for offenses under §			
32	46.2-819.3:1 if, in addition to the conditions set forth in subsection L of § 46.2-819.3:1 for			
33	such refusal, the toll operator has offered the individual a settlement of no more than			
34	\$2,200.			
35	O. The Department is authorized to impose a \$10 surcharge on all first issuances of REAL			
36	ID compliant credentials that are acceptable for federal purposes.			
37	P. Notwithstanding any other provision of law, for the duration of a declared state of			
38	emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the			
39	declaration of a state of emergency has been rescinded or expires, the Commissioner may			
40	extend the validity or delay the cancellation of driver's licenses, special identification			
41	cards, and vehicle registrations, the time frame during which a driver improvement clinic			
42	or payment plan must be completed, the maximum number of days of residency permitted			
43	before a new resident must be licensed in Virginia pursuant to § 46.2-308, Code of			
44	Virginia, to operate a motor vehicle in the Commonwealth, and the time frame during			
45	which a new resident may operate a motor vehicle in the Commonwealth which has been			
46	duly registered in another jurisdiction before registering the vehicle in the			
47	Commonwealth.			
48	Q. Notwithstanding any other provision of law, for the duration of a declared			
49	Commonwealth-wide state of emergency as defined in § 44-146.16, Code of Virginia, and			
50	for up to 90 days after the declaration of a state of emergency has been rescinded or			
51	expires, the Commissioner shall ensure that individuals age 65 and older, or with an			
52	immunocompromised or other underlying medical conditions, who are not required to			
53	register pursuant to Chapter 9 of Title 9.1 and appear in person for each renewal or the			
54	requirement to obtain a photograph in accordance with § 46.2-330 F(2), are able to			

ITEM 436.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	complete any necessary transactions for existing credentials online or through the mail, so				
2	long as such individuals are otherwise eligible to complete such transactions and federal law				
3	does not require the transactions to be completed in person.				
4	R. Notwithstanding any other provision of law, for the duration of a declared state of				
5	emergency and for up to 90 days after a declaration of a state of emergency has been				
6	rescinded or expires, the Commissioner may permit (1) Class B driver training schools and (2)				
7	computer-based driver education providers, as defined in § 46.2-1700, to administer the end-				
8	of-course driver's education test online subject to the requirements prescribed by the				
9	Commissioner. Notwithstanding any other provision of law, for the duration of a declared				
10	state of emergency and for up to 90 days after a declaration of a state of emergency has been				
11	rescinded or expires, the Commissioner may permit Class B driver training schools with a				
12	valid Virginia license to administer their in-class curriculum on an online platform subject to				
13	the requirements prescribed by the Commissioner. Notwithstanding the provisions of § 22.1-				
14	205, for the duration of a declared state of emergency and for up to 90 days after a declaration				
15	of a state of emergency has been rescinded or expires, the Commissioner may permit the				
16	parent/student driver education component of the driver's education course to be administered				
17	online subject to the requirements prescribed by the Commissioner.				
18	S. Notwithstanding the provisions of subsection E. of § 18.2-271.1 of the Code of Virginia, if				
19	a person's license to operate a motor vehicle, engine, or train in the Commonwealth has been				
20	suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, a court may, in its				
21	discretion and for good cause shown, issue a restricted permit to operate a motor vehicle for				
22	any purpose set forth in subsection E. of § 18.2-271.1. No restricted license issued pursuant to				
23	this paragraph shall permit any person to operate a commercial motor vehicle as defined in the				
24	Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to				
25	the Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant				
26	to this paragraph, which shall specifically enumerate the restrictions imposed and contain				
27	such information regarding the person to whom such a permit is issued as is reasonably				
28	necessary to identify such person. The court shall also provide a copy of its order to the				
29	person so convicted who may operate a motor vehicle on the order until receipt from the				
30	Commissioner of the Department of Motor Vehicles of a restricted license, if the order				
31	provides for a restricted license for that time period. A copy of such order and, after receipt				
32	thereof, the restricted license shall be carried at all times by such person while operating a				
33	motor vehicle. Any person who operates a motor vehicle in violation of any restrictions				
34	imposed pursuant to this paragraph is guilty of a violation of § 46.2-301.				
35	T. Notwithstanding § 4-2.03 of this act, the Virginia Department of Motor Vehicles shall be				
36	exempt from recovering statewide and agency indirect costs from the federal grants until an				
37	indirect cost plan can be evaluated and developed by the agency.				
38	U. Consistent with the provisions of § 4-13.00 of this act, the definitions found in § 46.2-				
39	1600, Code of Virginia, on June 30, 2021, shall remain in full force and effect until June 30,				
40	2022.				
41	<i>V. Notwithstanding § 46.2-1500 et seq., Code of Virginia, manufacturers that sell buses for</i>				
42	<i>the purposes of public transportation, as defined in 49 US Code § 5302, in the</i>				
43	<i>Commonwealth of Virginia are not required to obtain a manufacturers' and dealers' license</i>				
44	<i>from the Virginia Department of Motor Vehicles.</i>				
45	437. Not set out.				
46	438. Not set out.				
47	Total for Department of Motor Vehicles.....			\$315,532,483	\$319,532,483
48	Nongeneral Fund Positions.....	2,222.00	2,222.00		
49	Position Level.....	2,222.00	2,222.00		
50	Fund Sources: Commonwealth Transportation.....	\$304,116,559	\$308,116,559		
51	Trust and Agency.....	\$5,446,600	\$5,446,600		
52	Federal Trust.....	\$5,969,324	\$5,969,324		
53	439. Not set out.				

ITEM 439.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 440.	Not set out.			
2	Grand Total for Department of Motor Vehicles.....		<b>\$548,472,121</b>	<b>\$556,784,829</b>
3	Nongeneral Fund Positions.....		2,222.00	2,222.00
4	Position Level.....		2,222.00	2,222.00
5	Fund Sources: Commonwealth Transportation.....		\$351,601,168	\$359,913,876
6	Trust and Agency.....		\$10,946,600	\$10,946,600
7	Dedicated Special Revenue.....		\$153,700,000	\$153,700,000
8	Federal Trust.....		\$32,224,353	\$32,224,353
9 441.	Not set out.			
10 442.	Not set out.			
11 443.	Not set out.			
12 444.	Not set out.			
13	<b>§ 1-30. DEPARTMENT OF TRANSPORTATION (501)</b>			
14 445.	Environmental Monitoring and Evaluation (51400).		\$40,930,642	<del>\$41,374,407</del>
15				\$43,957,252
16	Environmental Monitoring and Compliance for			
17	Highway Projects (51408).....		\$8,980,886	<del>\$8,428,674</del>
18				\$10,873,613
19	Environmental Monitoring Program Management			
20	and Direction (51409).....		\$3,433,626	<del>\$3,496,386</del>
21				\$3,595,685
22	Municipal Separate Storm Sewer System (MS4)			
23	Compliance Activities (51410).....		\$28,516,130	<del>\$29,449,347</del>
24				\$29,487,954
25	Fund Sources: Commonwealth Transportation.....		\$40,930,642	<del>\$41,374,407</del>
26				\$43,957,252
27 446.	Ground Transportation Planning and Research			
28	(60200).....		\$79,132,074	<del>\$88,635,045</del>
29				\$94,330,053
30	Ground Transportation System Planning (60201)....		\$65,016,686	<del>\$74,230,434</del>
31				\$76,516,165
32	Ground Transportation System Research (60202)....		\$9,819,773	<del>\$10,062,534</del>
33				\$13,471,811
34	Ground Transportation Program Management and			
35	Direction (60204).....		\$4,295,615	\$4,342,077
36	Fund Sources: Commonwealth Transportation.....		\$79,132,074	<del>\$88,635,045</del>
37				\$94,330,053
38	Authority: Title 33.2, Code of Virginia.			
39	A. Included in the amount for ground transportation system planning and research is no			
40	less than \$6,500,000 the first year and no less than \$6,500,000 the second year from the			
41	highway share of the Transportation Trust Fund for the planning and evaluation of options			
42	to address transportation needs. Included in the amounts in this item, \$50,000 the second			
43	year from the allocations to the Office of Intermodal Planning and Investment is provided			
44	for sponsorship support of the eighth annual Mobility Talks International (MTI)			
45	Conference in January, 2022. The Director of the Office of Innovation shall actively			
46	identify and engage connected and autonomous vehicle stakeholders in the			
47	Commonwealth in order to most effectively maximize the return on investment from			
48	participation in the MTI Conference for the operation of unmanned systems throughout			
49	Virginia.			

ITEM 446.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	B. In addition, the Commonwealth Transportation Board may approve the expenditures of up				
2	to \$500,000 the first year and \$500,000 the second year from the highway share of the				
3	Transportation Trust Fund for the completion of advance activities, prior to the initiation of an				
4	individual project's design along existing highway corridors, to determine short-term and				
5	long-term improvements to the corridor. Such activities shall consider safety, access				
6	management, alternative modes, operations, and infrastructure improvements. Such funds				
7	shall be used for, but are not limited to, the completion of activities prior to the initiation of an				
8	individual project's design or to benefit identification of needs throughout the state or the				
9	prioritization of those needs. For federally eligible activities, the activity or item shall be				
10	included in the Commonwealth Transportation Board's annual update of the Six-Year				
11	Improvement program so that (i) appropriate federal funds may be allocated and reimbursed				
12	for the activities and (ii) all requirements of the federal Statewide Transportation				
13	Improvement Program can be achieved.				
14	C. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of				
15	Assembly, the Commonwealth Transportation Board shall not reallocate any funds from				
16	projects on roadways controlled by any county that has withdrawn or elects to withdraw from				
17	the secondary system of state highways, nor from any roadway controlled by a city or town as				
18	part of the state's urban roadway system, based on a determination of nonconformity with the				
19	Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year				
20	Improvement Program. In jurisdictions that maintain roadways within their boundaries, the				
21	provisions of § 33.2-214, Code of Virginia, shall apply only to highways controlled by the				
22	Department of Transportation.				
23	D. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply				
24	to use of funds provided in this Item from the federal apportionments in the State Planning				
25	and Research Program.				
26	E. The Department, in conducting any study of the Interstate 664 corridor in south Hampton				
27	Roads shall, in consultation with the Department of Rail and Public Transportation and the				
28	Virginia Port Authority, review and consider potential future rail needs along the corridor				
29	including the long range development plan for the Port and the development of the Craney				
30	Island Marine Terminal.				
31	F. The Department of Transportation, with the assistance of the Virginia Institute for Marine				
32	Science, shall provide an annual update on the status of the Coastal Virginia Transportation				
33	Infrastructure Inundation Study no later than December 1 of each year to the Chairs of the				
34	House Appropriations and Senate Finance and Appropriations Committees, Chairs of the				
35	House and Senate Transportation Committees, Chair of the Joint Subcommittee on Coastal				
36	Flooding and Adaptation, and the Secretaries of Transportation and Natural Resources. The				
37	report shall include at a minimum: an up-to-date identification of at-risk rural, suburban and				
38	urban infrastructure, and planning and options to mitigate or eliminate the identified risks; and				
39	a report on what work remains to be completed and estimated time frame for the completion				
40	of its work.				
41	447. Highway Construction Programs (60300).....			\$3,650,896,554	\$3,778,863,742
42					\$4,398,542,631
43	Highway Construction Program Management				
44	(60315).....	\$44,231,815	<del>\$45,054,161</del>		
45			\$46,161,840		
46	State of Good Repair Program (60320).....	\$293,716,106	<del>\$291,210,325</del>		
47			\$403,720,416		
48	High Priority Projects Program (60321).....	\$264,415,852	<del>\$254,154,471</del>		
49			\$392,278,703		
50	Construction District Grant Programs (60322).....	\$351,320,540	<del>\$411,235,925</del>		
51			\$495,957,931		
52	Specialized State and Federal Programs (60323).....	\$2,246,212,241	<del>\$2,326,208,860</del>		
53			\$2,821,723,741		
54	Legacy Construction Formula Programs (60324).....	\$451,000,000	<del>\$451,000,000</del>		
55			\$238,700,000		
56	Fund Sources: Commonwealth Transportation.....	\$3,125,496,554	<del>\$3,060,688,742</del>		
57			\$3,538,129,238		



ITEM 447.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Trust and Agency.....	\$338,800,000	\$496,275,000	
2			\$497,356,117	
3	Dedicated Special Revenue.....	\$186,600,000	\$221,900,000	
4			\$363,057,276	
5	Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of			
6	Assembly of 1989, Special Session II.			
7	A. From the appropriation for specialized state and federal programs funds shall be			
8	distributed as follows:			
9	1. An estimated \$115,575,647 the first year and \$117,783,238 the second year in federal			
10	state and matching funds shall be allocated for regional Surface Transportation Block			
11	Grant Funds and distributed to applicable metropolitan planning organizations pursuant to			
12	23 USC 133;			
13	2. An estimated \$53,122,502 the first year and \$53,122,502 the second year in federal and			
14	state matching funds shall be allocated for the Highway Safety Improvement Program			
15	pursuant to 23 USC 148 An estimated \$43,468,716 the second year in federal and state			
16	matching funds shall be allocated for the Promoting Resilient Operations for			
17	Transformative, Efficient, and Cost-saving Transportation Program pursuant to 23 USC			
18	176;			
19	3. An estimated \$83,848,855 the first year and \$82,345,399 the second year in federal and			
20	state matching funds shall be allocated for the Congestion Mitigation Air Quality program			
21	pursuant to 23 USC 149;			
22	4. \$99,624,385 the first year and <del>\$110,105,167</del> \$140,105,167 the second year shall be			
23	allocated for the Revenue Sharing Program pursuant to § 33.2-357, Code of Virginia;			
24	5. An estimated \$20,265,939 the first year and \$20,087,475 the second year in federal			
25	funds shall be allocated for the Surface Transportation Block Grant Program Set-Aside to			
26	23 USC 133(h).			
27	6. An estimated \$1,433,969,013 0 the first year and \$887,356,470 7 the second year in			
28	appropriation represents the estimated project participation costs from localities and			
29	regional entities.			
30	7. \$218,400,000 the second year in this appropriation represents the bond proceeds to be			
31	used for the Route 58 Corridor Development Program.			
32	8. \$15,333,333 the first year and \$15,333,333 the second year in state funds shall be			
33	allocated to the Virginia Transportation Infrastructure Bank pursuant to § 33.2-1500 et			
34	seq, Code of Virginia.			
35	9. \$10,044,671 the first year and \$10,044,011 the second year in state funds shall be			
36	allocated to the Transportation Partnership Opportunity Fund pursuant to § 33.2-1529.1,			
37	Code of Virginia.			
38	10. An estimated \$34,087,215 in the second year in federal and state matching funds shall			
39	be allocated for the Carbon Reduction Program pursuant to 23 USC 175.			
40	B. Notwithstanding § 33.2-358, Code of Virginia, the proceeds from the lease or sale of			
41	surplus and residue property purchased under this program in excess of related costs shall			
42	be applied to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia.			
43	Proceeds must be used on Federal Title 23 eligible projects.			
44	C. The Director of the Department of Planning and Budget is authorized to increase the			
45	appropriation as needed to utilize amounts available from prior year balances in the			
46	dedicated funds and adjust items to the most recent Commonwealth Transportation Board			
47	budget.			
48	D. Funds appropriated for legacy formula construction programs shall be used for the			
49	purposes enumerated in subsection C of § 33.2-358, Code of Virginia, or as previously			
50	appropriated.			

ITEM 447.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

1 E. Included in the amounts for specialized state and federal programs is the reappropriation of  
 2 \$495,800,000 the first year and \$559,900,000 the second year from bond proceeds or  
 3 dedicated special revenues for anticipated expenditure of amounts collected in prior years.  
 4 The amounts will be provided from balances in the Capital Projects Revenue Bond Fund,  
 5 Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia  
 6 Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S.  
 7 Route 58 Corridor Development Fund, Interstate 81 Corridor Improvement Program,  
 8 Interstate Operations and Enhancement Program, Concession Funds from the Interstate 95  
 9 Express Lanes and Interstate 66 Outside-the-Beltway Project Agreements and the Priority  
 10 Transportation Fund. These amounts were originally appropriated when received or  
 11 forecasted and are not related to estimated revenues of the current biennium.

12 F. The Director of the Department of Planning and Budget is authorized to increase the  
 13 appropriation as needed to utilize amounts available from prior year balances in the  
 14 Concession Payments Account to support project activities.

15 G. The Commissioner shall promulgate policies, regulations, and guidelines for  
 16 Transportation Alternative Set-Aside Grants and other locally administered projects that, to  
 17 the maximum extent permissible under 23 CFR 365.105, authorize full-time employees of a  
 18 planning district commission established pursuant to the Regional Cooperation Act of 1968, §  
 19 15.2-4200. et. seq. Code of Virginia, who have obtained qualified status to serve as the  
 20 responsible charge under the Locally Administered Projects Qualification Program  
 21 requirements of the Federal Highway Administration.

22 H. In the instance where there is a reduction in the prescribed weight of any vehicle or  
 23 combination of vehicles passing over any bridge, or bridges constituting a part of the  
 24 interstate, primary, or secondary system of highways, in addition to posting signage in  
 25 accordance with § 46.2-1104, Code of Virginia, the Department shall make a good faith effort  
 26 to notify businesses in the surrounding area of the reduction in prescribed weight via  
 27 electronic, telephone or mail as well as posting in local media in the surrounding localities.  
 28 The Department shall continue to maintain an updated website, and related social media  
 29 pages, and shall work with its local partners to develop an electronic communication list to  
 30 facilitate seamless notification of all businesses using the route for transportation purposes in  
 31 the surrounding area.

32	447.10	Transportation Initiatives (62100).....		\$233,400,000	<del>\$55,000,000</del>
33					\$170,796,000
34		Transportation Initiative (62101).....	\$233,400,000	<del>\$55,000,000</del>	
35					\$170,796,000
36		Fund Sources: General.....	\$0	<del>\$55,000,000</del>	
37					\$170,796,000
38		Federal Trust.....	\$233,400,000	\$0	

39 A. The funds appropriated in this section represent one-time federal funds, one-time general  
 40 funds and uncommitted state funds in special programs for economic development and access  
 41 purposes from previous fiscal years, and as such their appropriation is not subject to the intent  
 42 in subsection Q of Item 430.

43 B. Included in this item are \$233,400,000 in the first year in public funds made available for  
 44 Highway Infrastructure Programs by the Coronavirus Response and Relief Supplemental  
 45 Appropriations Act (P.L. 116-260), \$20,000,000 in the first year out of uncommitted balances  
 46 in the Transportation Partnership Opportunity Fund established pursuant to § 33.2-1528.1.,  
 47 Code of Virginia, \$15,000,000 in the first year in uncommitted balances previously allocated  
 48 for Financial Assistance for Planning, Access Road, and Special Projects (60704), and  
 49 ~~\$55,000,000~~ \$170,796,000 in the second year from the general fund, including the FY 2021  
 50 General Fund Surplus directed to the Commonwealth Transportation Fund pursuant to § 2.2-  
 51 1514 of the Code of Virginia. These funds shall be used by the Commonwealth Transportation  
 52 Board support the following initiatives:

53 1. Up to \$83,500,000 shall be transferred to Item 443 to extend intercity passenger rail service  
 54 from Roanoke, Virginia to the Blacksburg-Christiansburg, Virginia area and increase the  
 55 frequency of intercity passenger rail service along the I-81/Route 29 Corridor from  
 56 Washington, DC;

ITEM 447.10.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. Up to \$83,500,000 shall be transferred to Item 442 to improve commuter rail service on				
2	the Virginia Railway Express Manassas Line;				
3	3. Up to \$93,100,000 shall be transferred to Item 447 for improvements to the Interstate				
4	64 Corridor as follows: (i) to provide any amounts necessary to complete the funding plan				
5	for the Hampton Roads Express Lanes as identified in the Master Agreement for				
6	Development and Tolling of the Hampton Roads Express Lanes Network executed				
7	pursuant to Chapter 703 of the 2020 Acts of Assembly, and (ii) any remaining amounts to				
8	improve Interstate 64 between exit 205 and exit 234 as determined by the Commonwealth				
9	Transportation Board;				
10	4. Up to \$32,400,000 shall be transferred to Item 442 with an amount necessary to ensure				
11	the Commonwealth can provide its share of the dedicated regional funding for the				
12	Washington Metropolitan Area Transit Authority for fiscal year 2022 to be deposited into				
13	the Washington Metropolitan Area Transit Authority Capital Fund (60905) established				
14	pursuant to § 33.2-3401, Code of Virginia, and any amounts remaining after that shall be				
15	provided to the Northern Virginia Transportation Commission to reduce the fiscal year				
16	2022 operational obligations of its member jurisdictions, based on the current formula, to				
17	Metrorail, Metrobus and MetroAccess services;				
18	5. Up to \$10,000,000 shall be transferred to Item 447 for regional trails to support the				
19	planning, development and construction of multi-use trails with priority given by the				
20	Board to developing new regionals trails, to projects to improve connectivity of existing				
21	trail networks, and to geographic diversity in the use of such funds;				
22	6. Up to \$10,900,000 shall be transferred to Item 442 and used for purposes set forth in				
23	subsection F of § 33.2-1526.1:2, Code of Virginia, to establish pilot programs for fare-free				
24	transit with urban and rural transit providers, and an amount not to exceed \$900,000 may				
25	be used to study transit equity and modernization in the Commonwealth; and,				
26	7. Up to \$10,000,000 shall be transferred to Item 447 for a connected infrastructure				
27	redevelopment demonstration program within and adjacent to the Virginia Tech campus in				
28	the City of Falls Church.				
29	8. <i>Up to \$30,000,000 shall be transferred to Item 431 for improvements to the Mid-</i>				
30	<i>Atlantic Regional Spaceport that will enhance the capabilities of the Spaceport to support</i>				
31	<i>existing programs and provide access to space for new customers and programs;</i>				
32	9. <i>Up to \$25,796,000 shall be transferred to Item 447 for regional trails to support the</i>				
33	<i>planning, development and construction of multi-use trails in the Commonwealth to</i>				
34	<i>include the Fall Line Trail in central Virginia, the Shenandoah Valley Rail-Trail, and the</i>				
35	<i>Eastern Shore Rail Trail, and to address the findings of the workgroup established</i>				
36	<i>pursuant to subsection G of this Item;</i>				
37	10. <i>Up to \$20,000,000 shall be transferred to Item 447 for the Air Terminal Interchange</i>				
38	<i>at-grade intersection project located on the I-564 Intermodal Connector to support the</i>				
39	<i>Department's land lease with the U. S. Navy;</i>				
40	11. <i>Up to \$20,000,000 shall be transferred to Item 447 to improve Interstate 64 between</i>				
41	<i>exit 205 and exit 234 with priority given to enhancements that provide long-term traffic</i>				
42	<i>flow improvements for the full 29-mile corridor;</i>				
43	12. <i>Up to \$10,000,000 shall be transferred to Item 447 to return one-half of the amount</i>				
44	<i>taken in Item 447.10 from uncommitted balances in the Transportation Partnership</i>				
45	<i>Opportunity Fund established pursuant to § 33.2-1528.1, Code of Virginia;</i>				
46	13. <i>Up to \$10,000,000 shall be transferred to Item 381 to support efforts to address the</i>				
47	<i>loss of wildlife habitat impacted by transportation projects in Hampton Roads.</i>				
48	C. The Commonwealth Transportation Board shall provide an interim report to the				
49	Governor and the General Assembly on the use of the funds provided by this item no later				
50	than November 1, 2021 and a final report to the Governor and the General Assembly no				
51	later than June 30, 2022.				
52	D. Any funds not allocated by June 1, 2022 for the purposes set forth in this section shall				

ITEM 447.10.	Item Details(\$)		Appropriations(\$)	
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1	be transferred to Item 448 and used to support additional pavement and bridge maintenance			
2	pursuant with the Department of Transportation's asset management practices developed			
3	pursuant to § 33.2-352, Code of Virginia.			
4	E. As a part of the initiative described in subsection B.1. of this item, the Secretary of			
5	Transportation shall provide an assessment of both the total project costs and incremental			
6	costs resulting from (i) the extension of intercity passenger rail to Bristol, Virginia; and (ii)			
7	modelling conducted to assess any infrastructure or network costs needed to service a rail			
8	station in Bedford, Virginia to the Chairs of the House Committee on Appropriations and the			
9	Senate Committee on Finance and Appropriations no later than November 15, 2021.			
10	F. For amounts available pursuant to subsection B.3. of this item, the Board shall not			
11	distribute any funds for the Hampton Roads Express Lanes Network until updated traffic and			
12	revenue modeling considering summer weekend traffic volumes is completed and the amount			
13	necessary to complete the funding plan, if any, is determined by the Hampton Roads			
14	Transportation Accountability Commission in coordination with the Board. In the event that			
15	funds are available to improve the Interstate 64 corridor between exit 205 and exit 234, the			
16	Board shall coordinate with the Central Virginia Transportation Authority to determine			
17	whether there is an opportunity to partner with the Authority on such improvements.			
18	G. As a part of the initiative described in subsection B.5., the Office of Intermodal Planning			
19	and Investment shall coordinate a policy working group comprised of representatives from the			
20	Department of Transportation, the Department of Rail and Public Transportation, the			
21	Department of Conservation and Recreation, the Statewide Trails Advisory Committee, staff			
22	of the House Appropriations Committee, and staff of the Senate Finance and Appropriations			
23	Committee. The working group shall evaluate and recommend a prioritization process for the			
24	identification of new multi-use trail opportunities, a master planning process, and a funding			
25	needs assessment. The Office of Intermodal Planning shall report on the recommendations of			
26	the working group to the Chairs of the House Appropriations and Senate Finance and			
27	Appropriations Committees no later than October 15, 2021.			
28	H. For the amounts available pursuant to subsection B.7., the Board shall not distribute any			
29	funds for the connected infrastructure redevelopment demonstration program unless the entity			
30	implementing and managing the demonstration program has entered into an agreement with			
31	the Department of Transportation to facilitate information sharing and knowledge exchange.			
32	I. In carrying out the intent of this item, the federal funds provided in this item may be			
33	exchanged for existing state funds, as needed and at the discretion of the Commonwealth			
34	Transportation Board, to meet federal eligibility requirements provided the amount of the			
35	funding exchanged does not reduce or increase total funding available for the 2021			
36	Transportation Funding Initiative.			
37	J. If additional one-time, supplemental federal funds in excess of \$55,000,000, with			
38	eligibilities similar to the public funds made available for Highway Infrastructure Programs			
39	by the Coronavirus Response and Relief Supplement Appropriations Act (P.L. 116-260), is			
40	provided by the Federal Highway Administration to the Commonwealth prior to June 30,			
41	2021, then the Director of the Department of Planning and Budget shall unallot the			
42	\$55,000,000 in general funds in this item. Further it is the intent of the General Assembly that			
43	the provisions of subsection A. of this item apply to any such additional, supplemental federal			
44	funds described in this subsection.			
45	448. Highway System Maintenance and Operations			
46	(60400).....		\$2,029,488,121	\$2,063,801,321
47				\$2,044,241,898
48	Interstate Maintenance (60401).....	\$478,454,164	\$492,589,159	
49			\$483,271,804	
50	Primary Maintenance (60402).....	\$636,797,939	\$633,613,750	
51			\$635,052,099	
52	Secondary Maintenance (60403).....	\$617,577,417	\$619,276,503	
53			\$602,436,979	
54	Transportation Operations Services (60404).....	\$215,938,658	\$214,796,135	
55			\$219,955,243	
56	Highway Maintenance Operations, Program			
57	Management and Direction (60405).....	\$80,719,943	\$103,525,774	
58			\$103,525,773	

ITEM 448.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: Commonwealth Transportation.....	\$2,029,488,121	<del>\$2,063,801,321</del>		
2			\$2,044,241,898		
3	A. The department is authorized to enter into agreements with state and local law				
4	enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV)				
5	restrictions throughout the Commonwealth and metropolitan planning regions.				
6	B. Should federal law be changed to permit privatization of rest area operations, the				
7	department is hereby authorized to accept or solicit proposals for their development and/or				
8	operation.				
9	C. The Director, Department of Planning and Budget, is authorized to increase the				
10	appropriation in this Item as needed to utilize amounts available from prior year balances				
11	in the dedicated funds.				
12	D. The Commissioner's annual report pursuant to § 33.2-232, Code of Virginia, shall				
13	include an assessment of whether the department has met its secondary road pavement				
14	targets, by district and on a statewide basis.				
15	449. Statewide Special Structures (61400).....			\$0	\$5,000,000
16					\$30,000,000
17	Statewide Special Structures - Maintenance				
18	(61402).....	\$0	\$5,000,000		
19			\$30,000,000		
20	Fund Sources: Commonwealth Transportation.....	\$0	\$5,000,000		
21			\$30,000,000		
22	450. Commonwealth Toll Facilities (60600).....			\$83,665,648	\$93,642,614
23					\$71,104,020
24	Toll Facility Debt Service (60602).....	\$2,955,750	\$0		
25	Toll Facility Maintenance And Operation (60603)...	\$43,959,898	\$56,892,614		
26			\$34,354,020		
27	Toll Facilities Revolving Fund (60604).....	\$36,750,000	\$36,750,000		
28	Fund Sources: Commonwealth Transportation.....	\$77,164,367	\$87,642,614		
29			\$65,104,020		
30	Trust and Agency.....	\$6,501,281	\$6,000,000		
31	Authority: §§ 33.2-1524 and 33.2-1700 through 33.2-1729, Code of Virginia.				
32	A. Included in this Item are funds for the installation and implementation of a statewide				
33	Electronic Toll Customer Service/Violation Enforcement System.				
34	B: It is the intent of the General Assembly that the toll revenues, and any bond proceeds or				
35	concession payments backed by such toll revenues, derived from the express lanes on				
36	Interstate 64 between the interchange of Interstate 64 with Interstate 664 and the				
37	interchange of Interstate 64 with Interstate 564 be used to reduce the necessary				
38	contribution from the Hampton Roads Transportation Accountability Commission				
39	established pursuant Chapter 26 of Title 33-2, Code of Virginia; for a project to expand the				
40	capacity of Interstate 64 between the interchange of Interstate 64 with Interstate 664 and				
41	the interchange of Interstate 64 with Interstate 564. However, such funds may be used to				
42	support other related projects if mutually agreed upon by the Hampton Roads				
43	Transportation Accountability Commission and the Commonwealth Transportation Board.				
44	C. The Department shall not charge a fee to customers who have a EZ Pass flex or				
45	standard transponder based on the transponder not being used or being infrequently used.				
46	451. Financial Assistance to Localities for Ground			\$1,128,550,979	\$1,285,004,357
47	Transportation (60700).....				\$1,349,909,636
48					
49	Financial Assistance for City Road Maintenance				
50	(60701).....	\$397,832,085	\$411,077,641		
51			\$405,955,990		
52	Financial Assistance for County Road				
53	Maintenance (60702).....	\$70,610,931	\$71,892,921		
54			\$71,935,383		

ITEM 451.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Financial Assistance for Planning, Access Roads,				
2	and Special Projects (60704).....	\$15,896,079	\$15,935,618		
3			\$17,476,106		
4	Distribution of Northern Virginia Transportation				
5	Authority Fund Revenues (60706).....	\$299,311,884	\$335,950,325		
6			\$394,442,157		
7	Distribution of Hampton Roads Transportation Fund				
8	Revenues (60707).....	\$208,000,000	\$235,500,000		
9			\$275,100,000		
10	Distribution of Central Virginia Transportation				
11	Fund.Revenues (60710).....	\$136,900,000	\$214,647,852		
12			\$185,000,000		
13	Fund Sources: Commonwealth Transportation.....	\$484,339,095	\$498,906,180		
14			\$495,367,479		
15	Dedicated Special Revenue.....	\$644,211,884	\$786,098,177		
16			\$854,542,157		
17	Authority: Title 33.2, Chapter 1, Code of Virginia.				
18	A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special				
19	Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth				
20	Transportation Fund shall be allocated for purposes set forth in §§ 33.2-1509, 33.2-1600, and				
21	33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads				
22	shall be \$1,500,000 the first year and \$1,500,000 the second year. It is the intent of the				
23	General Assembly that up to \$250,000 of the funds allocated by the Commonwealth				
24	Transportation Board for Recreational Access Roads in this Item shall be prioritized for				
25	handicapped accessibility improvements at Virginia State Parks, including improvements to				
26	handicapped access points and parking facility enhancements as may be requested by the				
27	Department of Conservation and Recreation.				
28	B. Distribution of Northern Virginia Transportation Authority Fund Revenues represents				
29	direct payments, of the revenue collected and deposited into the Fund, to the Northern				
30	Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly.				
31	Notwithstanding any other provision of law, moneys deposited into the Hampton Roads				
32	Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability				
33	Commission for use in accordance with § 33.2-2611, Code of Virginia. Distribution of the				
34	Central Virginia Transportation Authority Fund revenues represents direct payments, of the				
35	revenue collected and deposited into the Fund, to the Central Virginia Transportation				
36	Authority for uses contained in House Bill 1541 as enacted by the 2020 General Assembly				
37	C. The prioritization process developed under § 33.2-214.1, Code of Virginia, shall not apply				
38	to use of funds provided in this Item from federal apportionments in the Metropolitan				
39	Planning Program.				
40	D. Consistent with § 33.2-366, Code of Virginia, the Commonwealth Transportation Board,				
41	when establishing annual rates of payments to Counties that have elected to withdraw from				
42	the secondary highway system, shall adjust such rate annually with i) procedures established				
43	for adjusting payments to cities, and ii) lane mileage adjustments. It is the express intent of				
44	the General Assembly that under no circumstance shall the addition of lane miles to one				
45	jurisdiction result in the direct or indirect reduction in the calculation of payment to any other				
46	jurisdiction receiving payment from funds appropriated for Financial Assistance for County				
47	Road Maintenance (60702).				
48	E. The Department of Transportation shall report on an annual basis to the Commonwealth				
49	Transportation Board on the impact of adjusting the payments made as part of Financial				
50	Assistance to Localities distributions for inflation consistent with adjustments for highway				
51	system maintenance and operations.				
52	F. Of the amounts in this item, \$1,000,000 the first year and \$1,000,000 the second year from				
53	the Commonwealth Transportation Fund is appropriated for service charges to be paid to				
54	localities in which the Virginia Port Authority owns tax-exempt real estate for roadway				
55	maintenance activities in the jurisdictions hosting Virginia Port Authority facilities. These				
56	payments shall be treated the same as other Commonwealth Transportation Board payments				
57	to localities for highway maintenance. These funds shall not be used for other activities nor				

ITEM 451.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	shall they supplant other local government expenditures for roadway maintenance. These				
2	funds shall be distributed to the localities on a pro rata basis in accordance with the				
3	formula set out in § 58.1-3403 D, Code of Virginia; however, the proportion of the funds				
4	distributed based on cargo traveling through each port facility shall be distributed on a pro				
5	rata basis according to twenty-foot equivalent units.				
6	G. Notwithstanding the provisions of § 33.2-1509, Code of Virginia, and consistent with				
7	the provisions of § 4-13.00 of this Act, no locality that has been allocated funds for a				
8	bonded project by the Commonwealth Transportation Board pursuant to § 33.2-1509,				
9	Code of Virginia, shall be required to repay such funds during the 48-month period				
10	beginning on the effective date of this act, provided that all of the other conditions of the				
11	Commonwealth Transportation Board's economic development access policy are met.				
12	<i>H. The Department of Transportation shall conduct an evaluation of the conditions of city</i>				
13	<i>streets. The evaluation shall include (i) an assessment of the current conditions of</i>				
14	<i>pavements and bridges on city-maintained streets throughout the Commonwealth, (ii) a</i>				
15	<i>review of the current formula used for distributing city street payments including</i>				
16	<i>comparisons of age, condition, vehicles miles traveled relative to per mile payments, (iii)</i>				
17	<i>opportunities for efficiency through partnerships with the Department, and (iv)</i>				
18	<i>recommendations, if any, for revisions to the formula for the distribution of city street</i>				
19	<i>payments. The evaluation shall be complete no later than December 1, 2023.</i>				
20	452. Non-Toll Supported Transportation Debt Service				
21	(61200).....			\$407,887,551	\$413,750,227
22					\$382,018,631
23	Highway Transportation Improvement District				
24	Debt Service (61201).....	\$8,644,519	\$8,644,519		
25	Designated Highway Corridor Debt Service				
26	(61202).....	\$68,171,266	<del>\$69,909,350</del>		
27			\$43,280,986		
28	Commonwealth Transportation Capital Projects				
29	Bond Act Debt Service (61204).....	\$196,254,150	<del>\$193,718,070</del>		
30			\$194,135,344		
31	Federal Transportation Grant Anticipation				
32	Revenue Notes Debt Service (61205).....	\$134,817,616	<del>\$134,881,288</del>		
33			\$129,951,050		
34	Interstate 81 Corridor Improvement Program Debt				
35	Service (61206).....	\$0	<del>\$6,597,000</del>		
36			\$6,006,732		
37	Fund Sources: Commonwealth Transportation.....	\$134,817,616	<del>\$135,140,660</del>		
38			\$129,951,050		
39	Trust and Agency.....	\$267,255,436	<del>\$266,453,841</del>		
40			\$239,911,855		
41	Dedicated Special Revenue.....	\$0	\$6,597,000		
42	Federal Trust.....	\$5,814,499	\$5,558,726		
43	Authority: Titles 15.2, 33.2, and 58.1 of the Code of Virginia; Chapters 827 and 914, Acts				
44	of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as				
45	amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of				
46	Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of				
47	Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011				
48	A.1. The amount shown for Highway Transportation Improvement District Construction				
49	shall be derived from payments made to the Transportation Trust Fund pursuant to the				
50	Contract between the State Route 28 Highway Transportation Improvement District and				
51	the Commonwealth Transportation Board dated September 1, 1988 as amended by the				
52	Amended and Restated District Contract by and among the Commonwealth				
53	Transportation Board, the Fairfax County Economic Development Authority and the State				
54	Route 28 Highway Transportation Improvement District Commission (the "District				
55	Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").				
56	2. There is hereby appropriated for payment immediately upon receipt to a third party				
57	approved by the Commonwealth Transportation Board, or a bond trustee selected by such				
58	third party, a sum sufficient equal to the special tax revenues collected by the Counties of				

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District				
2	and paid to the Commonwealth Transportation Board by or on behalf of the District				
3	Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and				
4	the District Contract between the Commonwealth Transportation Board and the District				
5	Commission.				
6	3. The contract payments may be supplemented from the Construction District Grant Program				
7	pursuant to § 33.2-371 allocated to the highway construction district in which the project				
8	financed is located, or any other lawfully available revenues of the Transportation Trust Fund,				
9	as may be necessary to meet debt service obligations. The payment of debt service shall be for				
10	the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia				
11	Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of				
12	Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990).				
13	Funds required to pay the total debt service on the Series 2012 Bonds shall be made available				
14	in the amounts indicated in paragraph E of this Item.				
15	B.1. Out of the amounts in this Item, \$40,000,000 the first year and \$40,000,000 the second				
16	year from the <del>Commonwealth Transportation Trust</del> <del>Transportation Trust</del> Fund shall be paid to the				
17	U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established				
18	pursuant to § 33.2-2300, Code of Virginia. <del>This payment shall be in lieu of the deposit of state</del>				
19	<del>recordation taxes to the Fund; as specified in the cited Code section. Said recordation taxes</del>				
20	<del>which would otherwise be deposited to the Fund shall be retained by the general fund.</del>				
21	Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an				
22	amount estimated at \$20,000,000 the first year and \$20,000,000 the second year shall be				
23	transferred from the highway share of the Transportation Trust Fund.				
24	2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond				
25	Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly and Chapter 296 of				
26	the 2013 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available				
27	from the Fund for debt service for the bonds previously issued and additional bonds issued				
28	pursuant to said act.				
29	C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia				
30	Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 33.2-2400,				
31	Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the				
32	Fund shall include at least the following elements:				
33	a. Amounts provided from state transportation revenues estimated at <del>\$20,000,000</del> \$40,000,000				
34	the first year and <del>\$20,000,000</del> \$40,000,000 the second year to support the debt service.				
35	b. Any public right-of-way use fees allocated by the Department of Transportation pursuant to				
36	§ 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and				
37	Prince William, the amounts estimated at \$5,387,165 the first year and \$5,387,165 the second				
38	year.				
39	c. Any amounts which may be deposited into the Fund pursuant to a contract between the				
40	Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the				
41	Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the				
42	first year and \$816,000 the second year.				
43	2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for				
44	the purposes provided in the "Northern Virginia Transportation District, Commonwealth of				
45	Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by				
46	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
47	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
48	of Assembly, and Chapter 621 of the 2005 Acts of Assembly.				
49	3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia				
50	Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by				
51	Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of				
52	Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts				
53	of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E				
54	of this Item shall be available from the Fund for debt service for the bonds previously issued				
55	and additional bonds issued pursuant to said act.				



ITEM 452.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	4. Should the actual distribution of recordation taxes to the localities set forth in § 33.2-			
2	2400, Code of Virginia, exceed the amount required for debt service on the bonds issued			
3	pursuant to the above act, such excess amount shall be transferred to the Northern Virginia			
4	Transportation District Fund in furtherance of the program described in § 33.2-2401, Code			
5	of Virginia.			
6	5. Should the actual distribution of recordation taxes to said localities funds from the			
7	Commonwealth Transportation Fund be less than the amount required to pay debt service			
8	on the bonds, the Commonwealth Transportation Board is authorized to meet such			
9	deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of			
10	Chapter 391, Acts of Assembly of 1993.			
11	D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake			
12	account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall			
13	include funds provided from state transportation revenues estimated at \$1,000,000 in the			
14	first year and \$1,000,000 in the second year, and an amount estimated at \$980,000 the first			
15	year and \$980,000 the second year received from the City of Chesapeake pursuant to a			
16	contract or other alternative mechanism for the purpose provided in the “Oak Grove			
17	Connector, City of Chesapeake Commonwealth of Virginia Transportation Program			
18	Revenue Bond Act of 1994,” Chapters 233 and 662, Acts of Assembly of 1994 (hereafter			
19	referred to as the “Oak Grove Connector Act”).			
20	2. The amounts shown in paragraph E of this Item shall be available from the City of			
21	Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant			
22	to the Oak Grove Connector Act.			
23	3. Should the actual distribution of state transportation revenues and such local revenues			
24	from the City of Chesapeake as may be received pursuant to a contract or other alternative			
25	mechanism to the City of Chesapeake account of the Set-aside Fund be less than the			
26	amount required to pay debt service on the bonds, the Commonwealth Transportation			
27	Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of			
28	the Oak Grove Connector Act.			
29	E. Pursuant to various Payment Agreements between the Treasury Board and the			
30	Commonwealth Transportation Board, funds required to pay the debt service due on the			
31	following Commonwealth Transportation Board bonds shall be transferred to the Treasury			
32	Board as follows:			
33		<b>FY 2021</b>		<b>FY 2022</b>
34	Transportation Contract Revenue	\$8,644,519		\$8,644,519
35	Refund Bonds, Series 2012 (Refunding			
36	Route 28)			
37	Commonwealth of Virginia			
38	Transportation Revenue Bonds: U.S.			
39	Route 58 Corridor Development			
40	Program:			
41	Series 2014B (Refunding)	\$18,755,500		\$10,636,500
42	Series 2016C (Refunding)	\$6,237,750		\$6,240,500
43	Northern Virginia Transportation			
44	District Program:			
45	Series 2012A (Refunding)	\$5,653,038		\$5,653,288
46	Series 2014A (Refunding)	\$6,548,500		\$1,359,750
47	Series 2016B (Refunding)	\$463,500		\$463,500
48	Series 2019A (Refunding)	\$3,956,900		\$3,951,150
49	Transportation Program Revenue			
50	Bonds:			
51	Series 2016A (Oak Grove Connector,	\$1,984,750		\$1,989,750
52	City of Chesapeake)			

ITEM 452.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Capital Projects Revenue Bonds:				
2	Series 2010 A-2		\$35,432,025		\$35,197,073
3	Series 2011		\$21,099,750		
4	Series 2012		\$29,161,800		\$29,162,300
5	Series 2014		\$18,224,450		\$18,224,950
6	Series 2016		\$16,799,500		\$16,797,000
7	Series 2017		\$16,521,938		\$16,522,188
8	Series 2017A (Refunding)		\$30,408,400		\$48,948,400
9	Series 2018		\$9,197,350		\$9,198,600
10	Series 2019		\$15,062,438		\$15,061,688
11	F. Out of the amounts provided for in this Item, an estimated \$128,670,764 the first year and				
12	\$142,831,412 the second year from federal reimbursements shall be provided for debt service				
13	payments on the Federal Transportation Grant Anticipation Revenue Notes.				
14	G. Out of the amounts provided for this Item, an estimated \$196,254,151 the first year and				
15	\$200,052,699 the second year from the Priority Transportation Fund shall be provided for				
16	debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds.				
17	Any additional amounts needed to offset the debt service payment requirements attributable to				
18	the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation				
19	Trust Fund.				
20	H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of				
21	the Governor, to issue, pursuant to the applicable provisions of the Transportation				
22	Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended				
23	from time to time, revenue obligations of the Commonwealth to be designated				
24	"Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX"				
25	at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all				
26	costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing				
27	funds for paying the costs incurred or to be incurred for construction or funding of				
28	transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of				
29	2007, including but not limited to environmental and engineering studies; rights-of-way				
30	acquisition; improvements to all modes of transportation; acquisition, construction and related				
31	improvements; and any financing costs and other financing expenses. Such costs may include				
32	the payment of interest on the bonds for a period during construction and not exceeding one				
33	year after completion of construction of the projects. Notwithstanding the provisions of Item				
34	449.10 of Chapter 847 of the acts of Assembly 2007, any remaining funding may be used for				
35	the purposes set forth in subsection G of Item 453 of Chapter 665, 2015 Acts of Assembly.				
36	I. Out of the amounts provided for in this Item, an estimated \$6,597,000 the second year from				
37	the Interstate 81 Corridor Fund shall be provided for debt service payments on the Interstate				
38	81 Corridor Improvement Bonds.				
39	453. Administrative and Support Services (69900).....			\$300,397,680	\$299,372,870
40					\$302,707,781
41	General Management and Direction (69901).....	\$159,465,571	\$156,789,044		
42			\$163,937,254		
43	Information Technology Services (69902).....	\$108,188,208	\$105,595,362		
44			\$105,791,557		
45	Facilities and Grounds Management Services				
46	(69915).....	\$20,191,707	\$20,422,768		
47			\$20,540,895		
48	Employee Training and Development (69924).....	\$12,552,194	\$16,565,696		
49			\$12,438,075		
50	Fund Sources: Commonwealth Transportation.....	\$300,397,680	\$299,372,870		
51			\$302,707,781		
52	Authority: Title 33.2, Code of Virginia.				
53	A. Notwithstanding any other provision of law, the highway share of the Transportation Trust				
54	Fund shall be used for highway maintenance and operation purposes prior to its availability				

ITEM 453.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	for new development, acquisition, and construction.				
2	B. Administrative and Support Services shall include funding for management, direction,				
3	and administration to support the department's activities that cannot be directly attributable				
4	to individual programs and/or projects.				
5	C. Out of the amounts for General Management and Direction, allocations shall be				
6	provided to the Commonwealth Transportation Board to support its operations, the				
7	payment of financial advisory and legal services, and the management of the				
8	Commonwealth Transportation Fund.				
9	D. Notwithstanding any other provision of law, the department may assess and collect the				
10	costs of providing services to other entities, public and private. The department shall take				
11	all actions necessary to ensure that all such costs are reasonable and appropriate,				
12	recovered, and understood as a condition to providing such service.				
13	E. Each year, as part of the six-year financial planning process, the commissioner shall				
14	implement a long-term business strategy that considers appropriate staffing levels for the				
15	department. In addition, the commissioner shall identify services, programs, or projects				
16	that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking				
17	such evaluations, the commissioner is authorized to use the appropriate resources, both				
18	public and private, to competitively procure those identified services, programs, or				
19	projects and shall identify total costs for such activities.				
20	F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be				
21	exempt from recovering statewide and agency indirect costs from the Federal Highway				
22	Administration until an indirect cost plan can be evaluated and developed by the agency				
23	and approved by the Federal Highway Administration.				
24	G. The Director, Department of Planning and Budget, is authorized to adjust				
25	appropriations and allotments for the Virginia Department of Transportation to reflect				
26	changes in the official revenue estimates for commonwealth transportation funds.				
27	H. Out of the amounts for General Management and Direction, allocations shall be				
28	provided to support the capital lease agreement with Fairfax County for the Northern				
29	Virginia District building. An amount estimated at \$7,800,000 the first year and				
30	\$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.				
31	I. Notwithstanding any other provisions of law, the Commonwealth Transportation				
32	Commissioner may enter into a contract with homeowner associations for grounds-				
33	keeping, mowing, and litter removal services.				
34	J. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction,				
35	erection, repair, upgrade, removal or demolition of any building, fixture or structure				
36	located or to be located on property of the Commonwealth of Virginia under the control of				
37	the Virginia Department of Transportation (VDOT) and within the secured area of a				
38	residency, area headquarters or district complex shall be subject to review or approval by				
39	the Art and Architectural Review Board as contemplated by that section. However, for				
40	changes to any building or fixture located on property owned or controlled by VDOT that				
41	has been designated or is under consideration for designation as a historic property, then				
42	VDOT shall submit such changes to the Art and Architectural Review Board for review				
43	and approval by the Board.				
44	K. The Virginia Department of Transportation is authorized to convey a 25-foot wide strip				
45	of land containing approximately 0.1923 acre located along the southeastern boundary of				
46	its original Callaway Area Headquarters parcel, Tax Map Parcel #0580004200, to Earl E.				
47	Bowman, Jr. and Elizabeth H. Bowman, husband and wife, in return for the termination of				
48	an existing easement in favor of the Bowmans across certain property of the				
49	Commonwealth, as shown in those certain deeds and plats recorded at Deed Book 1114,				
50	Page 1622 and Deed Book 1114, Page 1630 in the Clerk's Office of the Circuit Court of				
51	Franklin County, Virginia, and the conveyance from the Bowmans of a parcel of land				
52	containing approximately 0.3582 acres located adjacent to and northwest of VDOT's				
53	original parcel, all as shown on a plat to be agreed to between the Parties. The appraised				
54	value of the land to be acquired by VDOT shall be equal to or greater than the value of the				

ITEM 453.	Item Details(\$)		Appropriations(\$)	
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1	land to be transferred from VDOT. The exact property to be conveyed as consideration for			
2	this transaction is subject to change or adjustment provided that all parties agree, the			
3	requirements for value and form are met, and the appropriate approvals are obtained. The			
4	conveyances shall be made with the recommendation of the Department of General Services,			
5	the approval of the Governor and shall be in a form approved by the Attorney General. The			
6	appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and			
7	deliver such deed and other documents as may be necessary to accomplish the conveyance.			
8	L. 1. At such time as the Virginia Department of Transportation (VDOT) determines that the			
9	VDOT Residency office, on five acres, at 626 Waddell Street, in the City of Lexington is no			
10	longer required for VDOT's purposes, it shall offer to transfer the property to the City of			
11	Lexington prior to offering the property for transfer or sale to any other public or private			
12	agency or entity or individual, on such terms and conditions as provided below.			
13	2. The Virginia Department of Transportation and the City of Lexington shall each obtain a			
14	separate appraisal of the property, each performed by an appraiser licensed by the			
15	Commonwealth of Virginia as Certified General Real Property Appraisers, who must meet the			
16	competency provisions of the Uniform Standards of Professional Appraisal Practice.			
17	3. VDOT shall offer the property to the City of Lexington at a value which shall be			
18	determined by averaging the values from the two appraisals obtained in L.2. above. Any other			
19	conditions of the transfer shall be based on usual and customary terms for such			
20	intergovernmental transfers.			
21	4. If the Virginia Department of Transportation and the City of Lexington cannot agree on the			
22	terms of the transfer of the property, VDOT may transfer or sell the property to any other			
23	public or private agency or entity or individual on such terms as it determines are in the best			
24	interest of the Virginia Department of Transportation, however it will present those terms to			
25	the City of Lexington for its consideration prior to finalizing any transfer or sale to any other			
26	party.			
27	5. Any proceeds from the sale of the Waddell Street property may be used for the			
28	construction, staff relocation and other expenses related to the renovation of the VDOT			
29	Annex Building located at 1401 East Broad Street, Richmond, VA and any proceeds not so			
30	used shall be deposited in the Transportation Trust Fund.			
31	M. Notwithstanding any other provisions of law, the Virginia Department of Transportation			
32	(VDOT) is hereby authorized to market, sell and convey all or a portion of the Fulton property			
33	at 503 and 890 Bickerstaff Road and 421 Old Osborne Turnpike in Henrico, Virginia,			
34	containing 21.35 acres, more or less, as shown on a plat of survey entitled, "Commonwealth			
35	of Virginia Department of Highways and Transportation Fulton Depot" made by J.D.			
36	Hensdill, State Certified Engineer or Land Surveyor, dated October 1976. Any proceeds from			
37	the sale of the Fulton property may be used for the construction, staff relocation and other			
38	expenses related to the renovation of the VDOT Annex Building located at 1401 East Broad			
39	Street, Richmond, VA and any proceeds not so used shall be deposited in the Transportation			
40	Trust Fund.			
41	N. Notwithstanding any other provisions law, in addition to the marketing, sale and			
42	conveyance of any property pursuant to item C- 41.10 of the 2017 Appropriations Act, the			
43	Virginia Department of Transportation (VDOT) is hereby authorized to market, sell and			
44	convey all or a portion of the Hampton Roads District Bartlett Area Headquarters in Isle of			
45	Wight County, Virginia, containing 10.42 acres, more or less, as shown on a plat of survey			
46	entitled, "Newport Magisterial District Isle of Wight Count, Virginia subdivision of property			
47	of: Thomas L. Newton, Jr. & Thomas S. Word, Jr. Trustees" made by W. L. Jessee, State			
48	Certified Engineer or Land Surveyor, dated January 8, 1981. Any proceeds from the sale of			
49	the Bartlett Area Headquarters as well as any proceeds from the sale of any properties			
50	pursuant to item C- 41.10 of the 2017 Appropriations Act may be used for the acquisition,			
51	construction and other expenses related to the relocation of the Hampton Roads District			
52	Office Complex and any proceeds not so used shall be deposited in the Transportation Trust			
53	Fund.			
54	O. Notwithstanding any other provision of law, the Commissioner of Highways is hereby			
55	authorized to convey to Norfolk Southern Railway Company by deed without consideration a			
56	variable width easement for right of way beneath the existing Interstate 264 overpass in the			

ITEM 453.		Item Details(\$)		Appropriations(\$)	
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1	area of the relocated freight rail facilities, across a parcel approximately 0.5 acres in size,				
2	on terms acceptable to the Virginia Department of Transportation, Norfolk Southern				
3	Railway Company, and the Federal Highway Administration. The conveyance shall be in				
4	a form approved by the Office of the Attorney General. The appropriate officials of the				
5	Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other				
6	documents as may be necessary to accomplish the conveyance.				
7	454. Not set out.				
8	Total for Department of Transportation.....			<b>\$7,954,349,249</b>	<b>\$8,124,444,583</b>
9					<b>\$8,887,607,902</b>
10	Nongeneral Fund Positions.....	7,735.00	7,735.00		
11	Position Level.....	7,735.00	7,735.00		
12	Fund Sources: General.....	\$0	\$55,000,000		
13			\$170,796,000		
14	Commonwealth Transportation.....	\$6,271,766,149	\$6,280,561,839		
15			\$6,743,788,771		
16	Trust and Agency.....	\$612,556,717	\$768,728,841		
17			\$743,267,972		
18	Dedicated Special Revenue.....	\$830,811,884	\$1,014,595,177		
19			\$1,224,196,433		
20	Federal Trust.....	\$239,214,499	\$5,558,726		
21	455. Not set out.				
22	456. Not set out.				
23	457. Not set out.				
24	458. Not set out.				
25	459. Not set out.				
26	460. Not set out.				
27	TOTAL FOR OFFICE OF TRANSPORTATION...			<b>\$9,681,377,128</b>	<b>\$9,939,950,102</b>
28					<b>\$10,703,113,421</b>
29	Nongeneral Fund Positions.....	10,357.00	10,357.00		
30	Position Level.....	10,357.00	10,357.00		
31	Fund Sources: General.....	\$30,246	\$55,030,246		
32			\$170,826,246		
33	Special.....	\$189,860,549	\$194,815,165		
34	Commonwealth Transportation.....	\$7,434,832,280	\$7,528,745,439		
35			\$7,991,972,371		
36	Trust and Agency.....	\$623,503,317	\$779,675,441		
37			\$754,214,572		
38	Dedicated Special Revenue.....	\$1,147,211,884	\$1,329,195,177		
39			\$1,538,796,433		
40	Federal Trust.....	\$285,938,852	\$52,488,634		

ITEM 461.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>OFFICE OF VETERANS AND DEFENSE AFFAIRS</b>			
<b>2</b>	461.	Not set out.		
<b>3</b>	462.	Not set out.		
<b>4</b>	463.	Not set out.		
<b>5</b>	464.	Not set out.		
<b>6</b>	465.	Not set out.		
<b>7</b>	466.	Not set out.		
<b>8</b>	466.10	Not set out.		
<b>9</b>	467.	Not set out.		
<b>10</b>	468.	Not set out.		
<b>11</b>	469.	Not set out.		
<b>12</b>	470.	Not set out.		
<b>13</b>	471.	Not set out.		
<b>14</b>	472.	Not set out.		
<b>15</b>	473.	Not set out.		
<b>16</b>	473.10	Not set out.		
<b>17</b>	TOTAL FOR OFFICE OF VETERANS AND			
<b>18</b>	DEFENSE AFFAIRS.....		<b>\$193,029,581</b>	<b>\$210,559,081</b>
<b>19</b>	General Fund Positions.....	297.47	299.47	
<b>20</b>	Nongeneral Fund Positions.....	1,198.03	1,418.03	
<b>21</b>	Position Level.....	1,495.50	1,717.50	
<b>22</b>	Fund Sources: General.....	\$36,012,926	\$42,137,426	
<b>23</b>	Special.....	\$48,053,465	\$48,053,465	
<b>24</b>	Trust and Agency.....	\$2,500,000	\$2,500,000	
<b>25</b>	Dedicated Special Revenue.....	\$5,809,050	\$5,809,050	
<b>26</b>	Federal Trust.....	\$100,654,140	\$112,059,140	

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>CENTRAL APPROPRIATIONS</b>			
<b>2</b>	<b>§ 1-31. CENTRAL APPROPRIATIONS (995)</b>			
<b>3</b>	474. Higher Education Academic, Fiscal, and Facility			
<b>4</b>	Planning and Coordination (11100).....		\$10,756,833	\$10,756,833
<b>5</b>				\$4,524,802
<b>6</b>	Interest Earned on Educational and General			
<b>7</b>	Programs Revenue (11106).....	\$10,756,833	\$10,756,833	
<b>8</b>				\$4,524,802
<b>9</b>	Fund Sources: General.....	\$7,231,017	\$7,231,017	
<b>10</b>				\$3,971,493
<b>11</b>	Higher Education Operating.....	\$3,525,816	\$3,525,816	
<b>12</b>				\$553,309
<b>13</b>	A. The standards upon which the public institutions of higher education are deemed			
<b>14</b>	certified to receive the payment of interest earnings from the tuition and fees and other			
<b>15</b>	nongeneral fund Educational and General revenues shall be based upon the standards			
<b>16</b>	provided in § 4-9.01 of this act, as approved by the General Assembly.			
<b>17</b>	B. The estimated interest earnings and other revenues shall be distributed to those specific			
<b>18</b>	public institutions of higher education that have been certified by the State Council of			
<b>19</b>	Higher Education for Virginia as having met the standards provided in § 4-9.01 of this act,			
<b>20</b>	based on the distribution methodology developed pursuant to Chapter 933, Enactment 2,			
<b>21</b>	Acts of Assembly of 2005 and reported to the Chairmen of the House Appropriations			
<b>22</b>	Committee and Senate Finance Committee.			
<b>23</b>	C. In accordance with § 2.2-5004 and 5005, Code of Virginia, this Item provides			
<b>24</b>	\$4,573,395 the first year and <del>\$4,573,395</del> \$2,548,606 the second year from the general			
<b>25</b>	fund, and \$3,525,816 from nongeneral funds in the first year and <del>\$3,525,816</del> \$553,309			
<b>26</b>	from nongeneral funds in the second year for the estimated total payment to individual			
<b>27</b>	institutions of higher education of the interest earned on tuition and fees and other			
<b>28</b>	nongeneral fund Education and General Revenues deposited to the state treasury. Upon			
<b>29</b>	certification by the State Council of Higher Education of Virginia that all available			
<b>30</b>	performance benchmarks have been successfully achieved by the individual institutions of			
<b>31</b>	higher education, the Director, Department of Planning and Budget, shall transfer the			
<b>32</b>	appropriation in this Item for such estimated interest earnings to the general fund			
<b>33</b>	appropriation of each institution's Educational and General program.			
<b>34</b>	D. This Item also includes \$2,657,622 in the first year and <del>\$2,657,622</del> \$1,422,887 the			
<b>35</b>	second year from the general fund for the payment to individual institutions of higher			
<b>36</b>	education of a pro rata amount of the rebate paid to the State Commonwealth on credit			
<b>37</b>	card purchases not exceeding \$5,000 during the previous fiscal year. The State			
<b>38</b>	Comptroller shall determine the amount owed to each certified institution, net of any			
<b>39</b>	payments due to the federal government, using a methodology that equates a pro rata share			
<b>40</b>	based upon the total transactions of \$5,000 or less made by the institution using the state-			
<b>41</b>	approved credit card in comparison to all transactions of \$5,000 or less using said			
<b>42</b>	approved credit card. By October 15, or as soon thereafter as deemed appropriate,			
<b>43</b>	following the year of certification, the Comptroller shall reimburse each institution its			
<b>44</b>	estimated pro rata share.			
<b>45</b>	E. Once actual financial data from the year of certification are available, the State			
<b>46</b>	Comptroller and the Director, Department of Planning and Budget, shall compare the			
<b>47</b>	actual data with estimates used to determine the distribution of the interest earnings,			
<b>48</b>	nongeneral fund Educational and General revenues, and the pro rata amounts to the			
<b>49</b>	certified institutions of higher education. In those cases where variances exist, the			
<b>50</b>	Governor shall include in his next introduced budget bill recommended appropriations to			
<b>51</b>	make whatever adjustments to each institution's distributed amount to ensure that each			
<b>52</b>	institution's incentive payments are accurate based on actual financial data.			
<b>53</b>	475. Not set out.			

ITEM 476.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 476.	Not set out.			
2 477.	Compensation and Benefit Adjustments (75700).....		(\$15,993,004)	\$291,978,481
3	Adjustments to Employee Compensation (75701).....	\$12,847,149		\$256,452,553
4	Adjustments to Employee Benefits (75702).....	(\$28,840,153)		\$35,525,928
5	Fund Sources: General.....	(\$15,993,004)		\$291,978,481
6	Authority: Discretionary Inclusion.			
7	A. Transfers to or from this Item may be made to decrease or supplement general fund			
8	appropriations to state agencies for:			
9	1. Adjustments to base rates of pay;			
10	2. Adjustments to rates of pay for budgeted overtime of salaried employees;			
11	3. Salary changes for positions with salaries listed elsewhere in this act;			
12	4. Salary changes for locally elected constitutional officers and their employees;			
13	5. Employer costs of employee benefit programs when required by salary-based pay			
14	adjustments;			
15	6. Salary changes for local employees supported by the Commonwealth, other than those			
16	funded through appropriations to the Department of Education; and			
17	7. Adjustments to the cost of employee benefits to include but not be limited to health			
18	insurance premiums and retirement and related contribution rates.			
19	B. Transfers from this Item may be made when appropriations to the state agencies concerned			
20	are insufficient for the purposes stated in paragraph A of this Item, as determined by the			
21	Department of Planning and Budget, and subject to guidelines prescribed by the department.			
22	Further, the Department of Planning and Budget may transfer appropriations within this Item			
23	from the second year of the biennium to the first year, when necessary to accomplish the			
24	purposes stated in paragraph A of this Item.			
25	C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by			
26	nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits			
27	as required by this Item, subject to the rules and regulations prescribed by the appointing or			
28	governing authority of such agencies. Nongeneral fund revenues and balances required for			
29	this purpose are hereby appropriated.			
30	D. Any supplemental salary payment to a state employee or class of state employees by a			
31	local governing body shall be governed by a written agreement between the agency head of			
32	the employee or class of employees receiving the supplement and the chief executive officer			
33	of the local governing body. Such agreement shall also be reviewed and approved by the			
34	Director of the State Department of Human Resource Management. At a minimum, the			
35	agreement shall specify the percent of state salary or fixed amount of the supplement, the			
36	resultant total salary of the employee or class of employees, the frequency and method of			
37	payment to the agency of the supplement, and whether or not such supplement shall be			
38	included in the employee's state benefit calculations. A copy of the agreement shall be made			
39	available annually to all employees receiving the supplement. The receipt of a local salary			
40	supplement shall not subject employees to any personnel or payroll rules and practices other			
41	than those promulgated by the State Department of Human Resource Management.			
42	E. The Governor is hereby authorized to transfer funds from agency appropriations to the			
43	accounts of participating state employees in such amounts as may be necessary to match the			
44	contributions of the qualified participating employees, consistent with the requirements of the			
45	Code of Virginia governing the deferred compensation cash match program. Such transfers			
46	shall be made consistent with the following:			
47	1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per			
48	pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the			
49	agencies of the Commonwealth to utilize funds contained within their existing appropriations			
50	to meet these requirements.			



ITEM 477.		Item Details(\$)		Appropriations(\$)	
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1	2. The Governor may direct agencies supported in whole or in part with nongeneral funds				
2	to utilize existing agency appropriations to meet these requirements. Such nongeneral				
3	revenues and balances are hereby appropriated for this purpose, subject to the provisions				
4	of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any				
5	existing conditions and restrictions otherwise placed upon such nongeneral funds.				
6	3. The procurement of services related to the implementation of this program shall be				
7	governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be				
8	subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.				
9	F. The Secretary of Administration, in conjunction with the Secretary of Finance, may				
10	establish a program that allows for the sharing of cost savings from improved				
11	productivity, efficiency, and performance with agencies and employees. Such gain sharing				
12	programs require a management philosophy of open communication encouraging				
13	employee participation; a system which seeks, evaluates and implements employee input				
14	on increasing productivity; and a formula for measuring productivity gains and sharing				
15	these gains between employees and the agency. The Department of Human Resource				
16	Management, in conjunction with the Department of Planning and Budget, shall develop				
17	specific gain sharing program guidelines for use by agencies. The Department of Human				
18	Resource Management shall provide to the Governor, the Chairmen of the House				
19	Appropriations and Senate Finance Committees an annual report no later than October 1				
20	of each year detailing identified savings and their usage.				
21	G.1. Out of the appropriation for this Item, an amount estimated at \$19,658,419 the second				
22	year from the general fund shall be transferred to state agencies and institutions of higher				
23	education to support the general fund portion of costs associated with changes in the				
24	employer's share of premiums paid for the Commonwealth's health benefit plans.				
25	2. Notwithstanding any contrary provision of law, the health benefit plans for state				
26	employees resulting from the additional funding in this Item shall allow for a portion of				
27	employee medical premiums to be charged to employees.				
28	3. The Department of Human Resource Management shall explore options within the				
29	health insurance plan for state employees to promote value-based health choices aimed at				
30	creating greater employee satisfaction with lower overall health care costs. It is the				
31	General Assembly's intent that any savings associated with this employee health care				
32	initiative be retained and used towards funding state employee salary or fringe benefit cost				
33	increases.				
34	4. Notwithstanding any other provision of law, it shall be the sole responsibility and				
35	authority of the Department of Human Resource Management to establish and enforce				
36	employer contribution rates for any health insurance plan established pursuant to §2.2-				
37	2818, Code of Virginia.				
38	5. The Department of Human Resource Management is prohibited from establishing a				
39	retail maintenance network for maintenance drugs that includes penalties for non-use of				
40	the retail maintenance network.				
41	6. The Department of Human Resource Management shall not increase the annual out-of-				
42	pocket maximum included in the plans above the limits in effect for the plan year which				
43	began on July 1, 2014.				
44	7. The Department of Human Resource Management shall include language in all				
45	contracts, signed on or after July 1, 2018, with third party administrators of the state				
46	employee health plan requiring the third party administrators to: 1) maintain policies and				
47	procedures for transparency in their pharmacy benefit administration programs; 2)				
48	transparently provide information to state employees through an explanation of benefits				
49	regarding the cost of drug reimbursement; dispensing fees; copayments; coinsurance; the				
50	amount paid to the dispensing pharmacy for the claim; the amount charged to the third				
51	party administrator for the claim by the third party administrator's pharmacy benefit				
52	manager; and the amount charged by the third party administrator to the Commonwealth;				
53	and 3) provide a report to the Department of Human Resource Management of the				
54	aggregate difference in amounts between reimbursements made to pharmacies for claims				
55	covered by the state employee insurance plan, the amount charged to the third party				

ITEM 477.	Item Details(\$)		Appropriations(\$)	
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1	administrator for the claim by the third party administrator's pharmacy benefit manager, and			
2	the amount charged by the third party administrator to the Commonwealth as well as an			
3	explanation for any difference.			
4	8. Notwithstanding the provisions of § 38.2-3418.17 and any other provision of law, effective			
5	October 1, 2018, the Department of Human Resource Management shall provide coverage			
6	under the state employee health insurance program for the treatment of autism spectrum			
7	disorder through the age of eighteen.			
8	H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of			
9	public school teachers, state employees, state police officers, state judges, and state law			
10	enforcement officers eligible for the Virginia Law Officers Retirement System shall be based			
11	on a valuation of retirement assets and liabilities that are consistent with the provisions of			
12	Chapters 701 and 823, Acts of Assembly of 2012.			
13	2. Retirement contribution rates, excluding the five percent employee portion, shall be as set			
14	out below and include both the regular contribution rate and for the public school teacher plan			
15	the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the			
16	retirement contribution payments deferred for the 2010-12 biennium:			
17		<b>FY 2021</b>		<b>FY 2022</b>
18	Public school teachers	16.62%		16.62%
19	State employees	14.46%		14.46%
20	State Police Officers' Retirement System	26.33%		26.33%
21	Virginia Law Officers' Retirement System	21.90%		21.90%
22	Judicial Retirement System	29.84%		29.84%
23	3. Payments of all required contributions and insurance premiums to the Virginia Retirement			
24	System and its third-party administrators, as applicable, shall be made no later than the tenth			
25	day following the close of each month of the fiscal year.			
26	4. Out of the appropriation for this Item, amounts estimated at \$15,893,697 the first year and			
27	\$16,578,460 the second year, from the general fund shall be transferred to state agencies and			
28	institutions of higher education, to support the general fund portion of costs associated with			
29	changes in employer contributions for state employee retirement as provided for in this			
30	paragraph.			
31	5. The funding necessary to support the cost of reimbursements to Constitutional Officers for			
32	retirement contributions are appropriated elsewhere in this act under the Compensation Board.			
33	6. The funding necessary to support the cost of the employer retirement contribution rate for			
34	public school teachers is appropriated elsewhere in this act under Direct Aid to Public			
35	Education.			
36	I. Rates paid to the Virginia Retirement System on behalf of employees of participating (i)			
37	counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the			
38	employer contribution rate is not otherwise specified in this act), and (v) other political			
39	subdivisions shall be based on the employer contribution rates certified by the Virginia			
40	Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.			
41	J. The Virginia Retirement System Board of Trustees shall account for the employer			
42	retirement contribution payments for the public school teacher plan deferred for the 2010-			
43	2012 biennium based on limiting employer retirement contributions to the Virginia			
44	Retirement System to the actuarial normal cost. In setting the employer retirement			
45	contribution rates for the public school teacher plan for subsequent biennia, the board shall			
46	calculate a separate, supplemental employer contribution rate that will amortize such deferred			
47	payments over a period of ten years using the board's assumed long-term rate of return. The			
48	Governor shall include funds to support payment of the approved state portion of such board-			
49	approved, supplemental employer contribution rates for the public school teacher plan in the			
50	budget submitted to the General Assembly.			
51	K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to			
52	include the public employee group life insurance program, the Virginia Sickness and			

ITEM 477.	Item Details(\$)		Appropriations(\$)	
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1	Disability Program, the state employee retiree health insurance credit, and the public			
2	school teacher retiree health insurance credit, shall be based on a valuation of assets and			
3	liabilities that assume an investment return of 6.75 percent and an amortization period of			
4	30 years.			
5	2. Contribution rates paid on behalf of public employees for other programs administered			
6	by the Virginia Retirement System shall be:			
7		<b>FY 2021</b>		<b>FY 2022</b>
8	State employee retiree health insurance	1.12%		1.12%
9	credit			
10	Public school teacher retiree health	1.21%		1.21%
11	insurance credit			
12	State employee group life insurance	1.34%		1.34%
13	program			
14	Employer share of the public school	0.54%		0.54%
15	teacher group life insurance program			
16	Virginia Sickness and Disability	0.61%		0.61%
17	Program			
18	3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56			
19	percent of total payroll.			
20	4. Out of the appropriation for this Item, amounts estimated at \$98,211 the first year and			
21	\$102,507 the second year, from the general fund shall be transferred to state agencies and			
22	institutions of higher education, to support the general fund portion of costs associated			
23	with changes in employer contributions for state employee benefits as provided for in this			
24	paragraph.			
25	5. The funding necessary to support the cost of reimbursements to Constitutional Officers			
26	for public employee group life insurance contributions is appropriated elsewhere in this			
27	act under the Compensation Board.			
28	6. The funding necessary to support the cost of the employer public school teacher group			
29	life insurance and retiree health insurance credit rates is appropriated elsewhere in this act			
30	under Direct Aid to Public Education.			
31	L.1. The retiree health insurance credit contribution rates for the following groups of state			
32	supported local public employees shall be: 0.36 percent for constitutional officers and			
33	employees of constitutional officers 0.38 percent for employees of local social services			
34	boards, and 0.39 percent for General Registrars and employees of General Registrars.			
35	2. The Director, Department of Planning and Budget, shall withhold and transfer to this			
36	Item amounts estimated at \$55,805 the first year and \$55,805 the second year to reflect the			
37	general fund portion of the net savings resulting from changes in the retiree health			
38	insurance credit contribution rates for state supported local public employees through the			
39	Compensation Board, the Department of Social Services, and the Department of Elections			
40	pursuant to § 51.1-1403, Code of Virginia.			
41	M.1. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating			
42	agency shall not be required to pay the Virginia Retirement System the costs of enhanced			
43	retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who			
44	are involuntarily separated from employment with the Commonwealth if the Director of			
45	the Department of Planning and Budget certifies that such action results from 1. budget			
46	reductions enacted in the Appropriation Act, 2. budget reductions executed in response to			
47	the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3.			
48	reorganization or reform actions taken by state agencies to increase efficiency of			
49	operations or improve service delivery provided such actions have been previously			
50	approved by the Governor, or 4. downsizing actions taken by state agencies as the result of			
51	the loss of federal or other grants, private donations, or other nongeneral fund revenue,			
52	and if the Director of the Department of Human Resource Management certifies that the			
53	action comports with personnel policy. Under these conditions, the entire cost of such			

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1	benefits for involuntarily separated employees shall be factored into the employer			
2	contribution rates paid to the Virginia Retirement System.			
3	2. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency			
4	shall not be required to pay the Virginia Retirement System the costs of enhanced retirement			
5	benefits provided for in § 2.2-3204(A), Code of Virginia, for employees who are involuntarily			
6	separated from employment with the Commonwealth if the Speaker of the House of Delegates			
7	and the Chairman of the Senate Committee on Rules have certified on or after July 1, 2016,			
8	that such action results from 1. budget reductions enacted in the Appropriation Act pertaining			
9	to the Legislative Department; 2. reorganization or reform actions taken by agencies in the			
10	legislative branch of state government to increase efficiency of operations or improve service			
11	delivery provided such actions have been approved by the Speaker of the House of Delegates			
12	and the Chairman of the Senate Committee on Rules; or 3. downsizing actions taken by			
13	agencies in the legislative branch of state government as the result of the loss of federal or			
14	other grants, private donations, or other nongeneral fund revenue and if the applicable agency			
15	certifies that the actions comport with the provisions of and related policies associated with			
16	the Workforce Transition Act. Under these conditions, the entire cost of such benefits for			
17	involuntarily separated employees shall be factored into the employer contribution rates paid			
18	to the Virginia Retirement System.			
19	N. The purpose of this paragraph is to provide a transitional severance benefit, under the			
20	conditions specified, to eligible city, county, school division or other political subdivision			
21	employees who are involuntarily separated from employment with their employer.			
22	1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from			
23	employment with the employer, or being placed on leave without pay-layoff or equivalent			
24	status, due to budget reductions, employer reorganizations, workforce downsizings, or other			
25	causes not related to the job performance or misconduct of the employee, but shall not include			
26	voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an			
27	employee who is involuntarily separated from employment with his employer.			
28	b. The governing authority of a city, county, school division or other political subdivision			
29	electing to cover its employees under the provisions of this paragraph shall adopt a resolution,			
30	as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An			
31	election by a school division shall be evidenced by a resolution approved by the Board of			
32	such school division and its local governing authority.			
33	2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-			
34	124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer,			
35	commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or			
36	sheriff of any county or city, and (a) for whom reemployment with his employer is not			
37	possible because there is no available position for which the employee is qualified or the			
38	position offered to the employee requires relocation or a reduction in salary and (b) whose			
39	involuntary separation was due to causes other than job performance or misconduct, shall be			
40	eligible, under the conditions specified, for the transitional severance benefit conferred by this			
41	paragraph. The date of involuntary separation shall mean the date an employee was			
42	terminated from employment or placed on leave without pay-layoff or equivalent status.			
43	b. Eligibility shall commence on the date of involuntary separation.			
44	3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or			
45	less to the employer shall be entitled to receive a transitional severance benefit equivalent to			
46	four weeks of salary; (ii) three years through and including nine years of consecutive service			
47	to the employer shall be entitled to receive a transitional severance benefit equivalent to four			
48	weeks of salary plus one additional week of salary for every year of service over two years;			
49	(iii) ten years through and including fourteen years of consecutive service to the employer			
50	shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of			
51	salary plus two additional weeks of salary for every year of service over nine years; or (iv)			
52	fifteen years or more of consecutive service to the employer shall be entitled to receive a			
53	transitional severance benefit equivalent to two weeks of salary for every year of service, not			
54	to exceed thirty-six weeks of salary.			
55	b. Transitional severance benefits shall be computed by the terminating employer's payroll			
56	department. Partial years of service shall be rounded up to the next highest year of service.			

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1	c. Transitional severance benefits shall be paid by the employer in the same manner as				
2	normal salary. In accordance with § 60.2-229, transitional severance benefits shall be				
3	allocated to the date of involuntary separation. The right of any employee who receives a				
4	transitional severance benefit to also receive unemployment compensation pursuant to §				
5	60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the				
6	transitional severance benefit; however, any employee who is entitled to unemployment				
7	compensation shall have his transitional severance benefit reduced by the amount of such				
8	unemployment compensation. Any offset to a terminated employee's transitional				
9	severance benefit due to reductions for unemployment compensation shall be paid in one				
10	lump sum at the time the last transitional severance benefit payment is made.				
11	d. For twelve months after the employee's date of involuntary separation, the employee				
12	shall continue to be covered under the (i) health insurance plan administered by the				
13	employer for its employees, if he participated in such plan prior to his date of involuntary				
14	separation, and (ii) group life insurance plan administered by the Virginia Retirement				
15	System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life				
16	insurance plan as may be administered by the employer. During such twelve months, the				
17	terminating employer shall continue to pay its share of the terminated employee's				
18	premiums. Upon expiration of such twelve month period, the terminated employee shall				
19	be eligible to purchase continuing health insurance coverage under COBRA.				
20	e. Transitional severance benefit payments shall cease if a terminated employee is				
21	reemployed or hired in an individual capacity as an independent contractor or consultant				
22	by the employer during the time he is receiving such payments.				
23	f. All transitional severance benefits payable pursuant to this section shall be subject to				
24	applicable federal laws and regulations.				
25	4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this				
26	paragraph, any otherwise eligible employee who, on the date of involuntary separation, is				
27	also (i) a vested member of a defined benefit plan within the Virginia Retirement System,				
28	including the hybrid retirement program described in § 51.1-169, and including a member				
29	eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years				
30	of age, may elect to have the employer purchase on his behalf years to be credited to either				
31	his age or creditable service or a combination of age and creditable service, except that				
32	any years of credit purchased on behalf of a member of the Virginia Retirement System,				
33	including a member eligible for the benefits described in subsection B of § 51.1-138, who				
34	is eligible for unreduced retirement shall be added to his creditable service and not his age.				
35	The cost of each year of age or creditable service purchased by the employer shall be				
36	equal to fifteen percent of the employee's present annual compensation. The number of				
37	years of age or creditable service to be purchased by the employer shall be equal to the				
38	quotient obtained by dividing (i) the cash value of the benefits to which the employee				
39	would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of				
40	each year of age or creditable service. Partial years shall be rounded up to the next highest				
41	year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and				
42	disability retirement under the provisions of § 51.1-156 et seq., shall not be available				
43	under this paragraph.				
44	b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this				
45	paragraph and (ii) the retirement program provided in this subsection, any employee who				
46	is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-				
47	155.2.				
48	c. The retirement allowance for any employee electing to retire under this paragraph who,				
49	by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on				
50	the actuarial basis provided in subdivision A. 2. of § 51.1-155.				
51	d. The retirement program provided in this subparagraph shall be otherwise governed by				
52	policies and procedures developed by the Virginia Retirement System.				
53	e. Costs associated with the provisions of this subparagraph shall be factored into the				
54	employer contribution rates paid to the Virginia Retirement System.				
55	f. Notwithstanding the foregoing, the provisions of this paragraph N shall apply to an				

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1	otherwise eligible employee who is a person who becomes a member on or after July 1, 2010,			
2	a person who does not have 60 months of creditable service as of January 1, 2013, or a person			
3	who is enrolled in the hybrid retirement program described in § 51.1-169, mutatis mutandis.			
4	O.1. a. In order to address the potential for stranded liability in the Virginia Retirement			
5	System, notwithstanding any other contrary provisions of the Appropriation Act or of § 51.1-			
6	145, institutions of higher education that have established their own optional retirement plan			
7	under § 51.1-126(B) shall pay, effective July 1, 2019, contributions to the employer's			
8	retirement allowance account in an amount equal to that portion of the state employer			
9	contribution rate designated to pay down the total unfunded accrued liability, for any			
10	positions existing as of December 31, 2011 that are subsequently converted from non-			
11	Optional Retirement Plan for Higher Education (ORPHE) eligible positions to ORPHE-			
12	eligible positions on or after January 1, 2012 and that are filled by an employee who elects to			
13	participate in the ORPHE. In meeting this obligation, each institution shall provide to the			
14	Virginia Retirement System by April 1 of each year a list of all positions converted from non-			
15	ORPHE eligible positions to ORPHE-eligible positions since January 1, 2012, and whether			
16	current employees in such positions have elected ORPHE participation.			
17	b. Such contributions shall not be required for any new position established by the institution			
18	after January 1, 2012, that may be eligible for participation in the Optional Retirement Plan			
19	for Higher Education.			
20	2. Furthermore, the Department of Accounts, the Virginia Retirement System, and the			
21	universities of higher education shall work to develop a methodology to identify and report			
22	separately personnel services expenditures for university personnel in positions that use to be			
23	classified positions but have been transitioned to university staff positions.			
24	P. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge,			
25	member of the State Corporation Commission, or member of the Virginia Workers'			
26	Compensation Commission who is retired under the Judicial Retirement System and who is			
27	temporarily recalled to service shall be reimbursed for actual expenses incurred during such			
28	service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of			
29	travel time.			
30	2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000			
31	in the second year is provided to support the costs resulting from the changes in the per diem			
32	amounts provided for in paragraph P.1. The Director, Department of Planning and Budget,			
33	shall disburse funding from this Item to all affected judicial and independent agencies upon			
34	request.			
35	Q.1. Notwithstanding § 9.1-400, Code of Virginia, or any contrary provision of law, "eligible			
36	dependent" for purposes of continued health insurance pursuant to § 9.1-401, Code of			
37	Virginia, shall also include the natural or adopted child or children of a "deceased person", as			
38	defined in § 9.1-400, Code of Virginia, or "disabled person", as defined in § 9.1-400, Code of			
39	Virginia, born as the result of a pregnancy or adoption that occurred after the time of the			
40	employee's death or disability and prior to July 1, 2017. Eligibility will continue until the end			
41	of the year in which the eligible dependent reaches age 26 or when the eligible dependent			
42	ceases to be eligible based on the Virginia Administrative Code or administrative guidance as			
43	determined by the Department of Human Resource Management.			
44	2. Notwithstanding § 9.1-400.1 D, Code of Virginia, the annual contribution for each			
45	participating employer shall be based on a premium of \$717.31 per eligible full-time			
46	equivalent employee in the first year and \$722.55 per eligible full-time equivalent employee			
47	in the second year. .			
48	3. The Director, Department of Planning and Budget, shall withhold and transfer to this Item			
49	general fund amounts estimated at \$211,347 the first year and \$160,347 the second year from			
50	state agencies and institutions of higher education to support the general fund portion of costs			
51	of Line of Duty Act premiums based on the latest enrollment update from the Virginia			
52	Retirement System and the premium authorized in this paragraph.			
53	4. Notwithstanding the provisions of § 9.1-401(C), Code of Virginia, any disabled person, as			
54	defined in § 9.1-400(B), Code of Virginia, who was injured in the line-of-duty in February			
55	2016 but whose date of disability for purposes of the Line-of-Duty Act is in March 2019, shall			

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1	not be subject to subdivision 4 of such subsection. Also, the spouse of such person as of			
2	the date of disability shall be considered an "eligible spouse" for purposes of continued			
3	health coverage pursuant to § 9.1-401, Code of Virginia, and will not be subject to the			
4	provisions of that definition that disqualify a spouse who ceases to be married to a			
5	disabled person, as defined in §9.1-400, Code of Virginia, or the spouse of a deceased			
6	person who remarries at any time.			
7	R.1. The Director, Department of Planning and Budget, shall withhold and transfer to this			
8	Item, general fund amounts estimated at \$457,852 the first year and \$601,414 the second			
9	year from state agencies and institutions of higher education to recognize the general fund			
10	portion of savings associated with the latest workers' compensation premiums provided by			
11	the Department of Human Resource Management.			
12	2. In addition to the amount listed in paragraph R.1. above, \$2,000,000 from the general			
13	fund in the first year is included to support the retroactive provisions of House Bill 2207			
14	and Senate Bill 1375 of the 2020 General Assembly session. If the final enactment of			
15	these bills do not provide for retroactive coverage than the Director of the Department of			
16	Planning and Budget shall unallot the \$2,000,000 prior to June 30, 2021.			
17	S. The following agency heads, at their discretion, may utilize agency funds to implement			
18	the provisions of new or existing performance-based pay plans:			
19	1. The heads of agencies in the Legislative and Judicial Departments;			
20	2. The Commissioners of the State Corporation Commission and the Virginia Workers'			
21	Compensation Commission;			
22	3. The Attorney General;			
23	4. The Director of the Virginia Retirement System;			
24	5. The Executive Director of the Virginia Lottery;			
25	6. The Director of the University of Virginia Medical Center;			
26	7. The Chief Executive Officer of the Virginia College Savings Plan;			
27	8. The Executive Director of the Virginia Port Authority; and			
28	9. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority.			
29	T. Out of the amounts included in this item, amounts estimated at \$1,398,067 the first year			
30	and \$4,627,062 the second year from the general fund is available for transfer to state			
31	agencies and institutions of higher education to effectuate the provisions of House Bill 395			
32	and Senate Bill 7 which increases the minimum wage beginning January 1, 2021.			
33	X.1. Out of the appropriation for this Item, \$182,139,271 from the general fund the second			
34	year is provided to increase the base salary of the following employees by 5.0 percent on			
35	June 10, 2021:			
36	a. Full-time and other classified employees of the Executive Department subject to the			
37	Virginia Personnel Act;			
38	b. Full-time employees of the Executive Department not subject to the Virginia Personnel			
39	Act, except officials elected by popular vote;			
40	c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified			
41	in the agency head salary levels in § 4-6.01 c;			
42	d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney			
43	General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the			
44	Virginia Liaison Office, and the Secretary of the Commonwealth's Office;			
45	e. Heads of agencies in the Legislative Department;			
46	f. Full-time employees in the Legislative Department, other than officials elected by			
47	popular vote;			

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1	g. Legislative Assistants as provided for in Item 1 of this act;				
2	h. Judges and Justices in the Judicial Department;				
3	i. Heads of agencies in the Judicial Department;				
4	j. Full-time employees in the Judicial Department;				
5	k. Commissioners of the State Corporation Commission and the Virginia Workers'				
6	Compensation Commission, the Chief Executive Officer of the Virginia College Savings				
7	Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and				
8	l. Full-time employees of the State Corporation Commission, the Virginia College Savings				
9	Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia				
10	Retirement System.				
11	2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall				
12	receive the salary increases authorized in this paragraph only if they attained at least a rating				
13	of "Contributor" on their latest performance evaluation.				
14	b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative				
15	Departments, employees of Independent agencies, and employees of the Executive				
16	Department not subject to the Virginia Personnel Act shall be consistent with the provisions				
17	of this paragraph, as determined by the appointing or governing authority. However,				
18	notwithstanding anything herein to the contrary, the governing authorities of those state				
19	institutions of higher education with employees not subject to the Virginia Personnel Act may				
20	implement salary increases for such employees that may vary based on performance and other				
21	employment-related factors. The appointing or governing authority shall certify to the				
22	Department of Human Resource Management that employees receiving the awards are				
23	performing at levels at least comparable to the eligible employees as set out in subparagraph				
24	2.a. of this paragraph.				
25	3. The Department of Human Resource Management shall increase the minimum and				
26	maximum salary for each band within the Commonwealth's Classified Compensation Plan by				
27	5.0 percent on June 10, 2021. No salary increase shall be granted to any employee as a result				
28	of this action. The department shall develop policies and procedures to be used in instances				
29	when employees fall below the entry level for a job classification due to poor performance.				
30	Movement through the revised pay band shall be based on employee performance.				
31	4. The following agency heads, at their discretion, may utilize agency funds or the funds				
32	provided pursuant to this paragraph to implement the provisions of new or existing				
33	performance-based pay plans:				
34	a. The heads of agencies in the Legislative and Judicial Departments;				
35	b. The Commissioners of the State Corporation Commission and the Virginia Workers'				
36	Compensation Commission;				
37	c. The Attorney General;				
38	d. The Director of the Virginia Retirement System;				
39	e. The Director of the Virginia Lottery;				
40	f. The Director of the University of Virginia Medical Center;				
41	g. The Chief Executive Officer of the Virginia College Savings Plan; and				
42	h. The Executive Director of the Virginia Port Authority.				
43	5. The base rates of pay, and related employee benefits, for wage employees may be increased				
44	by up to 5.0 percent no earlier than June 10, 2021. The cost of such increases for wage				
45	employees shall be borne by existing funds appropriated to each agency.				
46	6. The governing authorities of those state institutions of higher education with employees				
47	may provide a salary adjustment based on performance and other employment-related factors,				



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1	as long as the increases do not exceed the 5.0 percent increase on average.			
2	Y.1. The appropriations in this item include funds to increase the base salary of the			
3	following employees by 5.0 percent on July 1, 2021, provided that the governing authority			
4	of such employees use such funds to support salary increases for the following listed			
5	employees.			
6	a. Locally-elected constitutional officers;			
7	b. General Registrars and members of local electoral boards;			
8	c. Full-time employees of locally-elected constitutional officers and,			
9	d. Full-time employees of Community Services Boards, Centers for Independent Living,			
10	secure detention centers supported by Juvenile Block Grants, juvenile delinquency			
11	prevention and local court service units, local social services boards, local pretrial services			
12	act and Comprehensive Community Corrections Act employees, and local health			
13	departments where a memorandum of understanding exists with the Virginia Department			
14	of Health.			
15	2. Out of the appropriation for Supplements to Employee Compensation is included			
16	\$48,251,656 the second year from the general fund to support the costs associated with the			
17	salary increase provided in this paragraph.			
18	BB. Included in the appropriation for this item is \$5,771,428 the second year from the			
19	general fund to provide a 5.0 percent increase in base pay for adjunct faculty at Virginia			
20	two-year and four-year public colleges and higher education institutions, effective June			
21	10, 2021.			
22	CC. The Director of the Department of Planning and Budget shall withhold from general			
23	fund appropriations of state agencies and institutions of higher education, and transfer to			
24	this item, the amount of \$46,111,165 the first year representing the savings that will be			
25	realized from providing a premium holiday for members in the state employee health			
26	benefits program, including retirees and COBRA beneficiaries included in the state			
27	employee funding pool, for the two pay periods in December 2020.			
28	DD. Included in the appropriation for this item is \$1,031,287 from the general fund in the			
29	first year, which shall be made available to provide sworn officers of the Department of			
30	State Police, who were employed as of November 24, 2020, a one-time bonus payment of			
31	\$500 on December 1, 2020.			
32	EE. Included in the appropriation for this item is \$44,675 from the general fund in the first			
33	year, which shall be made available to provide sworn officers of the Division of Capitol			
34	Police, who were employed as of November 24, 2020, a one-time bonus payment of \$500			
35	on December 1, 2020.			
36	FF. Included in the appropriation for this item is \$3,728,996 from the general fund in the			
37	first year, which shall be made available to provide corrections and law-enforcement staff			
38	of the Department of Corrections and the Department of Juvenile Justice, who were			
39	employed as of November 24, 2020, a one-time bonus payment of \$500 on December 1,			
40	2020.			
41	GG. Included in the appropriation for this item is \$625,985 from the general fund in the			
42	first year, which shall be made available to provide sworn officers of state agencies and			
43	higher education institutions, not otherwise included in paragraphs CC., DD., and EE.,			
44	who were employed as of November 24, 2020, a one-time bonus payment of \$500 on			
45	December 1, 2020.			
46	HH. Included in the appropriation for this item is \$5,518,139 from the general fund in the			
47	first year, which shall be made available to provide sworn constitutional officers and their			
48	staffs, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections			
49	officers, a one-time bonus payment of \$500 on December 1, 2020.			
50	NN. In addition to the increase authorized in paragraph X. of this item, \$4,543,944 from			
51	the general fund in the second year is provided for an additional 3.0 percent salary			

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1	increase for the Sworn employees of the Department of State Police effective June 10, 2021.			
2	OO. 1. Subsequent to effectuating the salary adjustment authorized in paragraphs X. and NN.			
3	of this item, the base salary of Sworn employees of the Department of State Police, who have			
4	three or more years of continuous state service shall receive a salary adjustment of \$100 for			
5	each full year of service up to thirty years, to address state employee salary compression,			
6	effective June 10, 2021.			
7	2. Out of the general fund appropriation for this Item is included \$3,161,200 from the general			
8	fund in the second year to support the cost of the compression adjustment.			
9	PP. The Department of Human of Resource Management is authorized to adjust the minimum			
10	and maximum salary ranges as needed to reflect the salary increases approved in this Item.			
11	QQ. The governing authorities of those state institutions of higher education with employees			
12	may provide a salary adjustment based on performance and other employment-related factors,			
13	as long as the increases do not exceed the five percent increase, on average. In addition, in			
14	recognition of differing financial circumstances and factors at this time, the governing			
15	authorities shall have the flexibility, for employee groups other than for classified employees,			
16	to decide to provide for an overall percentage increase that is less than five percent overall.			
17	RR. Included in the appropriation for this item is \$7,457,992 from the general fund in the			
18	second year, which shall be made available to provide corrections and law-enforcement staff			
19	of the Department of Corrections and the Department of Juvenile Justice, who were employed			
20	as of November 24, 2021, a one-time bonus payment of \$1,000 on December 1, 2021.			
21	<i>SS. The provisions of paragraphs TT., UU., and VV. shall only be effective if funding is</i>			
22	<i>provided to implement the provisions of such paragraphs in the 2022 Appropriation Act for</i>			
23	<i>the 2022-2024 biennium.</i>			
24	<i>TT.1. Contingent on paragraph SS., the base salary of the following employees shall be</i>			
25	<i>increased by five percent on June 10, 2022:</i>			
26	<i>a. Full-time and other classified employees of the Executive Department subject to the</i>			
27	<i>Virginia Personnel Act;</i>			
28	<i>b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act,</i>			
29	<i>except officials elected by popular vote;</i>			
30	<i>c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in</i>			
31	<i>the agency head salary levels in § 4-6.01 c;</i>			
32	<i>d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney</i>			
33	<i>General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia</i>			
34	<i>Liaison Office, and the Secretary of the Commonwealth's Office;</i>			
35	<i>e. Heads of agencies in the Legislative Department;</i>			
36	<i>f. Full-time employees in the Legislative Department, other than officials elected by popular</i>			
37	<i>vote;</i>			
38	<i>g. Legislative Assistants as provided for in Item 1 of this act;</i>			
39	<i>h. Judges and Justices in the Judicial Department;</i>			
40	<i>i. Heads of agencies in the Judicial Department;</i>			
41	<i>j. Full-time employees in the Judicial Department;</i>			
42	<i>k. Commissioners of the State Corporation Commission and the Virginia Workers'</i>			
43	<i>Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan,</i>			
44	<i>and the Directors of the Virginia Lottery, and the Virginia Retirement System; and</i>			
45	<i>l. Full-time employees of the State Corporation Commission, the Virginia College Savings</i>			
46	<i>Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia</i>			
47	<i>Retirement System.</i>			

ITEM 477.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall				
2	receive the salary increases authorized in this paragraph only if they attained at least a				
3	rating of "Contributor" on their latest performance evaluation.				
4	b. Salary increases authorized in this paragraph for employees in the Judicial and				
5	Legislative Departments, employees of Independent agencies, and employees of the				
6	Executive Department not subject to the Virginia Personnel Act shall be consistent with				
7	the provisions of this paragraph, as determined by the appointing or governing authority.				
8	However, notwithstanding anything herein to the contrary, the governing authorities of				
9	those state institutions of higher education with employees not subject to the Virginia				
10	Personnel Act may implement salary increases for such employees that may vary based on				
11	performance and other employment-related factors. The appointing or governing				
12	authority shall certify to the Department of Human Resource Management that employees				
13	receiving the awards are performing at levels at least comparable to the eligible				
14	employees as set out in subparagraph 2.a. of this paragraph.				
15	3. The Department of Human Resource Management shall increase the minimum and				
16	maximum salary for each band within the Commonwealth's Classified Compensation Plan				
17	by five percent on June 10, 2022. No salary increase shall be granted to any employee as				
18	a result of this action. The department shall develop policies and procedures to be used in				
19	instances when employees fall below the entry level for a job classification due to poor				
20	performance. Movement through the revised pay band shall be based on employee				
21	performance.				
22	4. The following agency heads, at their discretion, may utilize agency funds or the funds				
23	provided pursuant to this paragraph to implement the provisions of new or existing				
24	performance-based pay plans:				
25	a. The heads of agencies in the Legislative and Judicial Departments;				
26	b. The Commissioners of the State Corporation Commission and the Virginia Workers'				
27	Compensation Commission;				
28	c. The Attorney General;				
29	d. The Director of the Virginia Retirement System;				
30	e. The Director of the Virginia Lottery;				
31	f. The Director of the University of Virginia Medical Center;				
32	g. The Chief Executive Officer of the Virginia College Savings Plan; and				
33	h. The Executive Director of the Virginia Port Authority.				
34	5. The base rates of pay, and related employee benefits, for wage employees may be				
35	increased by up to five percent no earlier than June 10, 2022. The cost of such increases				
36	for wage employees shall be borne by existing funds appropriated to each agency.				
37	6. The governing authorities of those state institutions of higher education with university				
38	staff employees may provide a salary adjustment based on performance and other				
39	employment-related factors, as long as the increases do not exceed the five percent				
40	increase on average.				
41	UU. Contingent on paragraph SS., the base pay for adjunct faculty at Virginia two-year				
42	and four-year public colleges and higher education institutions shall be increased by five				
43	percent effective June 10, 2022.				
44	VV. Contingent on paragraph SS., the base pay for graduate teaching assistants at				
45	Virginia two-year and four-year public colleges and higher education institutions shall be				
46	increased by five percent on June 10, 2022.				
47	478. Not set out.				

ITEM 479.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	479.				
2				\$6,769,500	\$20,945,052
3					\$23,445,052
4					
5		\$1,300,000	<del>\$1,300,000</del>		
6			\$3,800,000		
7		\$2,400,000	\$2,150,000		
8					
9		\$3,069,500	\$17,495,052		
10		\$6,769,500	<del>\$20,945,052</del>		
11			\$23,445,052		
12	Authority: Discretionary Inclusion.				
13	A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to				
14	an amount not to exceed \$5,000,000 from the unappropriated balance derived by subtracting				
15	the general fund appropriations from the projected general fund revenues in this act, to				
16	provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall				
17	be made only when (1) sufficient funds are not available within the agency's appropriation				
18	and (2) additional funds must be provided prior to the end of the next General Assembly				
19	Session.				
20	B.1. The Governor is authorized to allocate from the unappropriated general fund balance in				
21	this act such amounts as are necessary to provide for unbudgeted cost increases to state				
22	agencies incurred as a result of actions to enhance homeland security, combat terrorism, and				
23	to provide for costs associated with the payment of a salary supplement for state classified				
24	employees ordered to active duty as part of a reserve component of the Armed Forces of the				
25	United States or the Virginia National Guard. Any salary supplement provided to state				
26	classified employees ordered to active duty, shall apply only to employees who would				
27	otherwise earn less in salary and other cash allowances while on active duty as compared to				
28	their base salary as a state classified employee. Guidelines for such payments shall be				
29	developed by the Department of Human Resource Management in conjunction with the				
30	Departments of Accounts and Planning and Budget.				
31	2. The Governor shall submit a report within thirty days to the Chairmen of House				
32	Appropriations and Senate Finance Committees which itemizes any disbursements made from				
33	this Item for such costs.				
34	3. The governing authority of the agencies listed in this subparagraph may, at its discretion				
35	and from existing appropriations, provide such payments to their employees ordered to active				
36	duty as part of a reserve component of the Armed Forces of the United States or the Virginia				
37	National Guard, as are necessary to provide comparable pay supplements to its employees.				
38	a. Agencies in the Legislative and Judicial Departments;				
39	b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the				
40	Virginia Retirement System, the Virginia Lottery, and the Virginia College Savings Plan;				
41	c. The Office of the Attorney General and the Department of Law; and				
42	d. State-supported institutions of higher education.				
43	C. The Governor is authorized to expend from the unappropriated general fund balance in this				
44	act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to				
45	growers, producers, and owners for losses sustained as a result of an infectious disease				
46	outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These				
47	indemnity payments will compensate growers, producers, and owners for a portion of the				
48	difference between the appraised value of each animal destroyed or slaughtered or animal				
49	product destroyed in order to control or eradicate an animal disease outbreak and the total of				
50	any salvage value plus any compensation paid by the federal government.				
51	D. Out of the appropriation for this item is included \$1,000,000 the first year and <del>\$1,000,000</del>				
52	\$3,500,000 the second year from the general fund to be used by the Governor as he may				
53	determine to be needed for the following purposes:				

ITEM 479.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1. To address the six conditions listed in § 4-1.03 c 5 of this act.				
2	2. To provide for unbudgeted and unavoidable increases in costs to state agencies for				
3	essential commodities, services, and training which cannot be absorbed within agency				
4	appropriations including unbudgeted benefits associated with Workforce Transition Act				
5	requirements.				
6	3. To secure federal funds in the event that additional matching funds are needed for				
7	Virginia to participate in the federal Superfund program.				
8	4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for				
9	the continued operation of the National Purple Heart Hall of Honor, provided that at least				
10	half of other states have made similar grants.				
11	5. In addition, if the amounts appropriated in this Item are insufficient to meet the				
12	unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year				
13	and \$1,000,000 the second year from the general fund amounts appropriated for the				
14	Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph				
15	D.1. through paragraph D.5. of this Item.				
16	6. In addition, to provide for payment of monetary rewards to persons who have disclosed				
17	information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower				
18	Protection Act.				
19	7. The Department of Planning and Budget shall submit a quarterly report of any				
20	disbursements made from, commitments made against, and requests made for such sums				
21	authorized for allocation pursuant to this paragraph to the Chairmen of the House				
22	Appropriations and Senate Finance Committees. This report shall identify each of the				
23	conditions specified in this paragraph for which the transfer is made.				
24	E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year				
25	from the general fund to pay for private legal services and the general fund share of				
26	unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement.				
27	Transfers for private legal services shall be made by the Director, Department of Planning				
28	and Budget upon prior written authorization of the Governor or the Attorney General,				
29	pursuant to § 2.2-510, Code of Virginia or Item 57, Paragraph D of this act. Transfers for				
30	enforcement of the Master Settlement Agreement shall be made by the Director,				
31	Department of Planning and Budget at the request of the Attorney General, pursuant to				
32	Item 57, Paragraph B of this act.				
33	F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any				
34	municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to				
35	pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of				
36	Virginia, shall be entitled to all sales tax revenues generated by transactions taking place				
37	in such public facility.				
38	G. Any unexpended balance remaining in this Item on June 30, 2020, shall be carried				
39	forward on the books of the Comptroller and shall be available for expenditure in the				
40	second year of the current biennium. Any unexpended balance remaining in this Item on				
41	June 30, 2021, shall be carried forward on the books of the Comptroller and shall be				
42	available for expenditures in the next biennium.				
43	H.1. Out of this appropriation, \$1,000,000 the first year and \$9,000,000 the second year				
44	from the general fund shall be provided to the City of Richmond for expenses incurred for				
45	the planning and development of the Slavery and Freedom Heritage Site in Richmond,				
46	including Lumpkin's Pavilion and Slave Trail improvements. Any unexpended general				
47	fund balances remaining from the appropriation in this paragraph shall not revert to the				
48	general fund at the end of the fiscal year, but shall be brought forward and reappropriated				
49	for its original purpose.				
50	2. The City of Richmond shall provide documentation to the Department of General				
51	Services on the progress of this project and actual expenditures incurred for it in a form				
52	acceptable to the Secretaries of Finance and Administration.				
53	3. The Department of General Services shall act as the fiscal agent for these funds. The				

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	director shall oversee the expenditure of state appropriations to ensure that payments to the			
2	City of Richmond are made consistent with the purposes set out in paragraphs and The			
3	Director, Department of Planning and Budget, is authorized to transfer these funds to the			
4	Department of General Services to implement this appropriation.			
5	4. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05			
6	of the act.			
7	5. Funding shall be made available to the City of Richmond for the planning and development			
8	of the Slave Trail improvements coincident with the effective date of this act. Any remaining			
9	funds contained in paragraph H.1. above for the purposes enumerated shall be made available			
10	to the City of Richmond upon the receipt of planning and development information by the			
11	Department of General Services. The Director of the Department of Planning and Budget			
12	shall provide the additional funds at the request of the Department of General Services as the			
13	fiscal agent for this project.			
14	I.1. The Director, Department of Planning and Budget, is authorized to transfer any remaining			
15	balances originally appropriated in Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly,			
16	the first year, to the Department of State Police for unanticipated costs associated with			
17	mitigating security threats, information technology (IT) security gaps, and the data stored on			
18	IT systems used by the Department. The costs eligible for reimbursement shall be for			
19	information technology and telecommunications goods and services that have been procured			
20	in accordance with the regulations, policies, procedures, standards, and guidelines of the			
21	Virginia Information Technologies Agency.			
22	2.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State			
23	Police is authorized to procure, develop, operate, and manage the cyber security and			
24	management tools required to protect the information technology used by the Department that			
25	is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the			
26	Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013.			
27	The Department of State Police shall be solely responsible for securing all aspects of			
28	information technology defined as out-of-scope in the current MOU.			
29	b. Costs expended by the Department of State Police for cyber security and management tools			
30	shall be reimbursed by the Director, Department of Planning and Budget from unexpended			
31	funds provided in paragraph I.1. of this Item, after such expenses have been approved by the			
32	Chief Information Officer and determined to be in compliance with the regulations, policies,			
33	procedures, standards, and guidelines of the Virginia Information Technologies Agency.			
34	3.a. The Superintendent of State Police shall develop and report to the Chairmen of the House			
35	Committee on Appropriations and Senate Committee on Finance a detailed transition plan			
36	addressing the steps required for the Department of State Police to assume responsibility for			
37	the development, operation, and management of all of its information technology			
38	infrastructure and services. The Department of State Police is authorized to procure consulting			
39	services to assist in the development of the detailed transition plan. The Virginia Information			
40	Technologies Agency shall assist in the development and drafting of the detailed transition			
41	plan.			
42	b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and			
43	evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii)			
44	identifies any one-time and ongoing costs of transitioning responsibility for information			
45	technology services from the Virginia Information Technologies Agency to the Department of			
46	State Police, including the estimated costs to obtain existing information technology assets or			
47	transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing,			
48	services, and contracts related to enterprise security and management tools, legacy system			
49	replacements or upgrades, construction or lease of facilities including data centers, labor costs			
50	and workload analyses, and training costs; (iv) identifies any other such factors deemed			
51	necessary for discussion as identified by the Superintendent of State Police or Chief			
52	Information Officer of the Commonwealth; (v) identifies necessary changes required to			
53	transition and modernize current statutes related to basic State Police communication systems			
54	consistent with the Criminal Justice Information Services Security Policy Version 5.5, or its			
55	successor; and (vi) provides a jointly developed and agreed upon MOU between the			
56	Department of State Police and the Virginia Information Technologies Agency that certifies			
57	the information.			

ITEM 479.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	c. Costs expended by the Department of State Police for the development of the detailed				
2	transition plan shall be reimbursed by the Director, Department of Planning and Budget				
3	from unexpended funds provided in paragraph I.1 of this item, after such expenses have				
4	been approved by the Chief Information Officer and determined to be in compliance with				
5	the regulations, policies, procedures, standards, and guidelines of the Virginia Information				
6	Technologies Agency.				
7	d. The report and accompanying Memorandum shall be provided to the Chairmen of the				
8	House Committee on Appropriations and Senate Committee on Finance as required by				
9	Item 476 I., Chapter 836, 2017 Virginia Acts of Assembly. The Chief Information Officer				
10	of the Commonwealth shall review the report and provide an analysis of the detailed				
11	transition plan no later than 30 days after submission of the report to the Chairmen of the				
12	House Committee on Appropriations and Senate Committee on Finance.				
13	4. Any remaining balances as originally appropriated in Item 476 I.5., Chapter 836, 2017				
14	Virginia Acts of Assembly, from the general fund are authorized to be transferred to				
15	reimburse the Department of State Police for costs associated with mitigating information				
16	technology security threats and gaps required to protect and manage out-of-scope				
17	information technology that is not addressed in paragraph 3.b. All such costs shall be				
18	eligible for reimbursement if they have been procured in accordance with the regulations,				
19	policies, procedures, standards, and guidelines of the Virginia Information Technologies				
20	Agency. The Director, Department of Planning and Budget is authorized to release this				
21	funding following certification by the Chief Information Officer that these costs address				
22	cyber security threats and gaps, including upgrades to legacy applications to remediate				
23	audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk				
24	Management.				
25	J. Out of this appropriation, \$1,350,000 the first year and \$1,350,000 the second year from				
26	the general fund is provided to support the advancement of computer science education				
27	and implementation of the Commonwealth's new computer science standards across the				
28	public education continuum. These funds are intended to provide high quality professional				
29	development to current and future teachers; create, curate, and disseminate high quality				
30	computer science curriculum, instructional resources, and assessments; support summer				
31	and after-school computer science related programming for students; and facilitate				
32	meaningful career exposure and work-based learning opportunities in computer science				
33	fields for high school students. Funds shall be disbursed through a competitive grant				
34	process and shall prioritize at-risk students and schools. In consultation with the Secretary				
35	of Finance and the Secretary of Commerce and Trade, the Secretary of Education shall				
36	develop a process to award these funds in accordance with the provisions of this language,				
37	with the Governor providing final approval for distribution of the funds.				
38	K.1. Out of this appropriation is included \$1,050,000 the first year and \$800,000 the				
39	second year from the general fund for the first two phases of the integration and				
40	enhancement of Virginia's workforce technology systems. The project will enable single				
41	sign-on access for users and the addition of new individual, organization, and community-				
42	level data from both current and future agency partners. To the maximum extent allowable				
43	under federal law, regulation, and guidance, functionality will be developed to				
44	automatically associate wage and licensure outcomes to participant records, enabling				
45	performance-driven management and contracting. The project will also support the				
46	development of shared customer-facing applications, analytic tools, and interfaces. All				
47	elements of this project will be conducted in coordination with the Chief Data Officer and				
48	Chief Workforce Development Advisor.				
49	2. On or before November 1, 2020, the Chief Data Officer and Chief Workforce				
50	Development Advisor, with input from the Virginia Economic Development Partnership,				
51	shall submit a report detailing the progress of implementation for Phase I of this project				
52	among the four Titles of the Workforce Innovation and Opportunity Act and within the				
53	state's one-stop centers. This report shall also include a plan for sustaining Phase I and				
54	Phase II of the project, including the appropriate agency owner.				
55	L. Out of this appropriation is included up to \$1,069,500 the first year and up to				
56	\$1,069,500 the second year from the general fund for the purpose of redistricting, which				
57	shall include expenses related to the Virginia Redistricting Commission if approved by				

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	voter referendum in the November, 2020 general election. The Department of Planning and			
2	Budget is authorized to transfer these amounts to the applicable state agency or agencies to			
3	support the purposes of redistricting, including supporting the Commission if approved.			
4	N. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to			
5	the general fund of \$500,000 from the World War I and World War II Commemoration			
6	Commission (872) from fiscal year 2020 Commission balances.			
7	O. On or before June 30, 2020, the Director of the Department of Planning and Budget shall			
8	authorize the reversion to the general fund of \$38,500,000 in unexpended general fund year			
9	end balances from budget program 722 originally appropriated in Item 476.10 of Chapter			
10	1283 of the 2020 Acts of Assembly.			
11	Q. The appropriations in this item include \$1,000,000 from the general fund in the first year to			
12	conduct an independent, third-party investigation of the culture, traditions, policies, and			
13	practices of the Virginia Military Institute. The investigative team shall report its findings and			
14	recommendations to the State Council of Higher Education for Virginia. Investigative notes,			
15	draft reports, and other correspondence and information furnished in confidence with respect			
16	to this investigation are exempt from disclosure under the Virginia Freedom of Information			
17	Act, section 2.2-3700 et seq. of the Code of Virginia.			
18	R.1. Included in this Item is \$2,157,495 the second year from the general fund to support the			
19	transition offices established as a result of the 2021 elections for Governor, Lieutenant			
20	Governor, and Attorney General. Out of this amount, \$752,217 shall be transferred, based on			
21	actual expenses, to the Department of General Services, \$90,000 to the Division of Select			
22	Agencies Support Services, and \$1,315,278 to the Virginia Information Technologies Agency			
23	for the provision of facilities, equipment, services, and supplies required to support the			
24	transition activity.			
25	2. The Commonwealth's financial support for the transition is to be allocated as follows:			
26	Office of the Governor: \$1,801,502			
27	Office of the Lieutenant Governor: \$188,090			
28	Office of the Attorney General: \$167,903			
29	S. Included in this Item is \$511,057 the second year from the general fund to be transferred,			
30	based on actual expenditures, to the Department of General Services to support anticipated			
31	costs for the inauguration in January 2022			
32	T. Out of this appropriation, \$257,000 the second year from the general fund is provided to			
33	support the removal of the Harry F. Byrd statue from Capitol Square. The Director,			
34	Department of Planning and Budget is authorized to transfer this amount to the Department of			
35	General Services pursuant to the passage of House Bill 2208 of the 2021 General Assembly.			
36	U. Included in the appropriation for this item is \$3,500,000 the second year from the general			
37	fund for the initial operating costs of the Virginia Cannabis Control Authority, created			
38	pursuant to House Bill 2312 and Senate Bill 1406 of the 2021 Special Session I.			
39	Disbursement of these funds shall be upon the determination of the Secretary of Finance and			
40	with the advice and consent of the Director of the Office of Diversity, Equity, and Inclusion.			
41	V. Out of this appropriation, \$1,000,000 the second year from the general fund is provided for			
42	evidence-based marijuana prevention and education programs and public health campaigns,			
43	including programs focused on youth and college-aged populations. The Director, Department			
44	of Planning and Budget, is authorized to transfer these funds to the applicable state agency or			
45	agencies, authorities, or offices, to support these efforts.			
46	479.10	Not set out.		
47	479.20	Disaster Planning and Operations (72200).....		\$0 \$9,092,453,771
48				\$9,094,043,771
49		Pandemic Response (72211).....	\$0 \$9,092,453,771	
50			\$9,094,043,771	
51		Fund Sources: Federal Trust.....	\$0 \$9,092,453,771	
52			\$9,094,043,771	



ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	A. Out of the revenues received from the federal distributions of the American Rescue			
2	Plan Act of 2021 (ARPA), the following table represents non-discretionary amounts			
3	appropriated prior to the enactment of this act.			
4	<b>ARPA Funding Source</b>	<b>Agency / Purpose</b>	<b>Amount</b>	
5	State and Local Recovery Fund - Local	Department of Accounts Transfer	\$316,876,775	
6	(Non-Entitlement) - (US Treasury)	Payments (162) / ARPA local		
7		allocations - Non-Entitlement Localities		
8		- Part 1		
9	WIC Cash Value Vouchers Increase	Department of Health (601) / Increase	\$8,910,669	
10	(USDA)	WIC Cash-value voucher benefit for		
11		fruit and vegetables		
12	Unemployment Insurance Extension	Virginia Employment Commission	\$2,058,424,317	
13	Implementation Grants (US DOL)	(182) / Unemployment Insurance		
14		Benefits		
15	Aid to State Veterans Homes - Per Diem	Department of Veterans Services (912) /	\$4,285,124	
16	Program (US VA)	Aid to State Veterans Homes per diem		
17		Program		
18	B.1. The appropriation for this Item includes an amount estimated at \$3,179,200,801 in			
19	the second year from the revenues to be received from distributions of the federal State			
20	and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan Act of 2021			
21	(ARPA).			
22	2. The following appropriations shall be transferred from this Item for the following			
23	purposes:			
24	a. Unemployment Assistance			
25	1) \$73,600,000 to the Virginia Employment Commission (182) for information			
26	technology modernization, call center improvements, security, and claims adjudication.			
27	Information technology improvements shall include a customer relationship management			
28	system and other such communication tools to better serve Unemployment Insurance			
29	clients.			
30	2) \$862,000,000 to the Virginia Employment Commission (182) for deposit to the			
31	Unemployment Trust Fund.			
32	3) Notwithstanding any other provision of law, the Virginia Employment Commission			
33	shall compute tax rates for Calendar Year 2022 by excluding pandemic related claim			
34	activity. Any such rate for any employer for Calendar Year 2022, may be less than, but			
35	shall not exceed the established rate for that employer for Calendar Year 2021. For			
36	purposes of this calculation, pandemic related claim activity is defined as all regular			
37	Unemployment Insurance claims activity from April 1, 2020, through June 30, 2021. The			
38	pool charge for Calendar Year 2022 shall be computed using this same methodology and			
39	set at an amount not to exceed the rate in effect for Calendar Year 2021.			
40	b. Broadband			
41	1) \$500,000 to the Department of General Services (194) for legal and real estate			
42	transaction support for agencies that own property to support broadband expansion.			
43	2) \$479,000,000 to the Department of Housing and Community Development (165) to			
44	support broadband access managed and awarded through the Virginia			
45	Telecommunications Initiative grant making process; however, the agency may adjust the			
46	criteria to reflect the provisions established by the U.S. Department of the Treasury's rules			
47	and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds			
48	established under the American Rescue Plan Act.			
49	3) \$8,000,000 to the Department of Housing and Community Development (165) for the			
50	Line Extension Customer Assistance Program to support the extension of existing			
51	broadband networks to low to moderate income residents.			
52	4) For grants awarded from the amounts appropriated in paragraphs B.2.b.2), C.1., and			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Item 114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the			
2	construction of broadband infrastructure through the Virginia Telecommunications Initiative,			
3	the Department of Housing and Community Development shall deliver an annual			
4	performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the			
5	House Appropriations Committee and Senate Finance and Appropriations Committee on or			
6	before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the			
7	annual performance report shall contain information by grant recipient and year on the			
8	following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State			
9	and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3)			
10	Contract performance period, and on-time progress towards project delivery; (4) Maximum			
11	advertised project speeds available; and, (5) Achievement of key project milestones. The			
12	annual performance report shall include an evaluation of any projects under risk of			
13	incompletion or underperformance. The Department of Housing and Community			
14	Development shall develop a public facing dashboard to be updated quarterly that contains			
15	key performance information by grant recipient and year, and includes the key performance			
16	indicators outlined above. Information in this public facing tool shall contain data beginning			
17	with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant			
18	cycle.			
19	c. Rebuild VA			
20	1) \$250,000,000 to the Department of Small Business and Supplier Diversity (350) for the			
21	Rebuild VA program. In awarding these funds, priority shall be given to qualifying			
22	applications received by the Department on or before June 30, 2021, for which a grant has not			
23	been awarded. The Department shall solicit new applications to allocate any balance that			
24	remains from this appropriation. In allocating funds to support grants for applications solicited			
25	by the agency after June 30, 2021: (1) the Department shall prioritize funding for businesses			
26	in the hospitality and tourism industry, that includes, but is not limited to hotel and lodging			
27	establishments, restaurants, and entertainment and public amusement venues; and, (2) in			
28	awarding these funds to restaurants, funds shall be reserved for restaurants that have not			
29	received federal assistance through the Small Business Administration's Restaurant			
30	Revitalization Fund or loan forgiveness from the Small Business Administration's Paycheck			
31	Protection Program.			
32	d. Other small business			
33	1) \$22,500,000 to the Department of Housing and Community Development (165) to support			
34	the Virginia Removal or Rehabilitation of Derelict Structures Fund program. Notwithstanding			
35	§ 36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall			
36	be \$5,000,000 for projects in economically distressed areas, and any grant award in excess of			
37	\$1,000,000 for projects in economically distressed areas shall be conditioned upon a 100			
38	percent match of local and/or private funds by the local government. The funds shall be			
39	managed and awarded through the Industrial Revitalization Fund process; however, the			
40	department may adjust the criteria to reflect the provisions established by the U.S. Department			
41	of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal			
42	Recovery Funds established under the American Rescue Plan Act. Pursuant to these			
43	provisions, DHCD shall increase project cap amounts and consider updates to program			
44	guidelines that make more projects viable, especially in communities disproportionately			
45	impacted by the pandemic. Where the proposed project's end user is a private business,			
46	DHCD shall include evaluation criteria that incentivizes significant private investment.			
47	2) \$4,000,000 to the Department of Housing and Community Development to support the			
48	Virginia Main Street Program in providing assistance to businesses recovering from the			
49	COVID-19 pandemic.			
50	e. Utility Assistance			
51	1) a) \$120,000,000 for utility assistance, to help provide direct assistance to residential utility			
52	customers with accounts over 60 days in arrears including the cost to administer the program.			
53	b) The State Corporation Commission shall establish an application process to distribute			
54	funds directly to utilities for the purpose of efficiently providing direct assistance to			
55	customers. Funds shall be awarded proportionally based on total arrearages of residential			
56	utility customer accounts over 60 days in arrears as of August 31, 2021. The Director,			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Department of Planning and Budget shall distribute funds to the State Corporation			
2	Commission within 30 days of the passage of this act. The Director, Department of			
3	Planning and Budget in consultation with the State Corporation Commission and the			
4	Department of Housing and Community Development shall transfer amounts from this			
5	allocation to address the arrearages held by residential customers of utilities outside the			
6	jurisdiction of the Commission to the Department of Housing and Community			
7	Development for distribution to these utilities. Notwithstanding § 2.2-4002, Code of			
8	Virginia, the provisions contained in this paragraph establishing the utility direct			
9	assistance program shall not be subject to the Administrative Process Act.			
10	c) Upon receipt of any funds provided in this paragraph, utilities shall maintain separate			
11	ARPA COVID-19 Utility Assistance Funds and record direct assistance payments to			
12	residential customers on their books in accordance with applicable accounting standards.			
13	Utilities may not direct any funds provided in this paragraph to new deposits, down			
14	payments, fees, late fees, interest charges, or penalties. Utilities may require the customer			
15	to attest to the utility or to a third party chosen by the utility that the customer has			
16	experienced a financial hardship resulting directly or indirectly from the COVID-19			
17	pandemic or that they have experienced a hardship to pay during the COVID-19 pandemic			
18	prior to receiving direct assistance from the utility's ARPA COVID-19 Utility Assistance			
19	Fund. While utilities may require attestation of such hardship, it is implied that arrearages			
20	accrued over 60 days for customer nonpayment of bills from March 12, 2020, to the			
21	effective date of this act, for which federal relief funds shall be used for direct subsidy			
22	payments on behalf of customers were incurred as a financial hardship created by the			
23	COVID-19 pandemic. Utilities shall reflect the direct assistance payment on an eligible			
24	customer's monthly bill, after the funds are applied to the customer's account. Should the			
25	application of any assistance render a customer due a balance necessitating a cash refund			
26	payable to the customer, such assistance shall be proportionally reduced as to achieve a			
27	zero balance.			
28	d) For the purposes of this appropriation, utilities include electric companies subject to			
29	regulation of the State Corporation Commission, natural gas suppliers subject to the			
30	regulation of the Commission, electric and gas municipal utilities, and water suppliers and			
31	wastewater service providers, subject to the regulation of Commission or constituting a			
32	municipal utility. "Municipal utility" means a utility providing electric, gas, water, or			
33	wastewater service that is owned or operated by a city, county, town, authority, or other			
34	political subdivision of the Commonwealth. Notwithstanding the provisions of this			
35	paragraph, a utility does not include any Phase II utility subject to the regulation of the			
36	State Corporation Commission.			
37	e) The Department of Housing and Community Development shall survey municipal			
38	utilities to determine the amount of unspent utility assistance funds previously provided			
39	under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136),			
40	as well as the level of outstanding customer arrearages as of August 31, 2021, from March			
41	12, 2020. The information collected shall include the number and value of accounts that			
42	are at least 60 days in arrears disaggregated by residential, business, and industrial users.			
43	Utilities not subject to the regulation of the State Corporation Commission shall submit			
44	the required information to the Department in a timely manner. The Department shall			
45	submit a report on its findings to the Governor and the Chairs of the House Appropriations			
46	Committee and Senate Finance and Appropriations Committee by November 1, 2021.			
47	f) The State Corporation Commission shall survey jurisdictional utilities to determine the			
48	amount of unspent utility assistance funds previously provided under the Coronavirus Aid,			
49	Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of			
50	outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The			
51	information collected shall include the number and value of accounts that are at least 60			
52	days in arrears disaggregated by residential, business, and industrial users. Utilities subject			
53	to the regulation of the State Corporation Commission shall submit the required			
54	information to the Commission in a timely manner. The Commission shall submit a report			
55	on its findings to the Governor and the Chairs of the House Appropriations Committee			
56	and Senate Finance and Appropriations Committee by November 1, 2021.			
57	g) If it is determined that the funds provided in this paragraph are insufficient to satisfy the			
58	aggregate outstanding jurisdictional and municipal utility customer arrearages following			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	the passage of this act, additional funding may be considered during the 2022 General			
2	Assembly Session.			
3	f. Tourism			
4	1) \$50,000,000 to the Virginia Tourism Authority (320) to support local domestic marketing			
5	organizations, as well as the Authority's marketing and incentive programs.			
6	2) \$1,000,000 to the Virginia Tourism Authority (320) to collaborate and partner with the			
7	City of Virginia Beach to develop historical and cultural content with the Virginia African			
8	American Cultural Center (VAACC).			
9	3) \$6,000,000 to the Fort Monroe Authority (360) for construction of a permanent monument			
10	to commemorate the 400-year anniversary of the First Landing of Africans at Point Comfort			
11	in Fort Monroe.			
12	4) \$250,000 to the Department of Historic Resources (423) to be provided to the City of			
13	Harrisonburg to partner with the Dallard-Newman House to complete development of a			
14	Museum of African- American History and Culture in Harrisonburg.			
15	g. Education			
16	1) \$500,000 to Direct Aid to Public Education (197) to support An Achievable Dream			
17	program in Henrico County.			
18	2) \$500,000 to Direct Aid to Public Education (197) to support Fredericksburg City Schools			
19	to expand its career and technical education programs.			
20	3) \$200,000 to Direct Aid to Public Education (197) to provide after school and summer			
21	education programs to Sussex and Greensville Counties' students through the Sussex County			
22	Youth and Adult Recreation Association (\$100,000) and the Washington Park Association			
23	(\$100,000).			
24	4) \$800,000 to Direct Aid to Public Education (197) to provide a one-time grant to			
25	Portsmouth Public Schools to support students with workforce readiness education and			
26	industry based skills, including internships and externships, apprenticeships, and assistance in			
27	enrollment in post-secondary education.			
28	h. Education - Ventilation			
29	1) \$250,000,000 to Direct Aid to Public Education (197) for qualifying ventilation			
30	improvement projects in local public schools. Funds shall be allocated to local school			
31	divisions based on fiscal year 2022 projected March 31 average daily membership with a			
32	minimum allocation of \$200,000 per division. Funds shall be paid to school divisions on a			
33	reimbursement basis. Localities shall provide a match for these funds from any available fund			
34	sources equal to 100 percent of the grant amount. A school division may elect to accept a			
35	grant amount less than its formula allocation. Before receiving any funds, local school			
36	divisions must provide a description for each of the projects to be completed with these funds,			
37	including estimated costs and date of completion, and certify to the Department of Education			
38	no later than November 15, 2021, that these funds will be used to improve ventilation systems			
39	in public facilities in accordance with guidelines issued by the U.S. Department of the			
40	Treasury for the American Rescue Plan Act Coronavirus State and Local Fiscal Recovery			
41	Funds. Following certification from a school division that it will not participate in the grant			
42	program or elects to accept an amount less than its formula allocation, the Department of			
43	Education is authorized to reallocate any program balances based on actual demand. No later			
44	than December 15, 2021, the Department of Education shall compile the school division			
45	certifications and submit a report to the Chairs of the Senate Finance and Appropriations and			
46	House Appropriations Committees, the Secretary of Education, the Secretary of Finance, and			
47	the Director, Department of Planning and Budget.			
48	2) \$2,000,000 to the Jamestown-Yorktown Foundation (425) to upgrade its ventilation			
49	systems in its facilities.			
50	3) \$5,000,000 to the Virginia Museum of Fine Arts (238) to replace outdated air handling			
51	units on the main museum campus.			

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	i. Higher Education				
2	1) \$100,000,000 to the State Council of Higher Education for Virginia (245) for need-				
3	based financial aid for in-state undergraduate students from low- and moderate-income				
4	households at public institutions of higher education. No less than 30 days prior to				
5	distributing the funds to the public institutions, the Council shall report on the allocation				
6	methodology used to the Chairs of the House Appropriations and Senate Finance and				
7	Appropriations Committees, the Secretary of Finance, the Secretary of Education, and the				
8	Director, Department of Planning and Budget.				
9	2) \$11,000,000 to the State Council of Higher Education for Virginia (245) for need-based				
10	financial aid for in-state undergraduate students from low- and moderate-income				
11	households at institutions of higher education eligible for the Virginia Tuition Assistance				
12	Grant Program in accordance with § 23.1-628 through § 23.1-635, Code of Virginia. No				
13	institution shall receive more than ten percent of the total funding provided herein. No less				
14	than 30 days prior to distributing the funds to the private institutions, the Council shall				
15	report on the allocation methodology used to the Chairs of the House Appropriations and				
16	Senate Finance and Appropriations Committees, the Secretary of Finance, the Secretary of				
17	Education, and the Director, Department of Planning and Budget.				
18	3) \$40,000,000 to the Virginia Community College System (260) for capital projects at				
19	Northern Virginia Community College (NVCC). Of this allocation, \$15,000,000 is				
20	designated for construction of a new building that would allow NVCC to expand its trades				
21	programs in carpentry, electrical, computer integration in trades, advanced automotive,				
22	and backup power systems. \$25,000,000 is designated for construction of a building that				
23	would allow NVCC to expand its nursing, phlebotomy, occupational therapy assistant, and				
24	physical therapist assistant programs.				
25	4) \$10,000,000 to the Online Virginia Network Authority (244).				
26	j. Food Access				
27	1) \$14,600,000 to the Department of Agriculture and Consumer Services (301) for food				
28	assistance, including the expansion of food access and healthcare partnerships,				
29	development of a shelf-stable food purchase program, and the purchase of food from local				
30	farmers through the Virginia Farm to Virginia Families Food Box Program.				
31	k. CSOs and Wastewater				
32	1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well				
33	and septic systems for homeowners at or below 200 percent of the federal poverty				
34	guidelines.				
35	2) \$75,000,000 to the Department of Environmental Quality (440) for septic, straight pipe,				
36	and sewer collection system repair, replacement, and upgrades.				
37	3) \$125,000,000 to the Department of Environmental Quality (440) for grants to the <i>City</i>				
38	<i>of Alexandria, Virginia Sanitation Authority and the cities of Alexandria, Lynchburg, and</i>				
39	<i>Richmond to pay a portion of the costs of combined sewer overflow control projects. The</i>				
40	<i>City of Alexandria, Virginia Sanitation Authority is to receive \$50,000,000; the City of</i>				
41	<i>Lynchburg is to receive \$25,000,000; and the City of Richmond is to receive \$50,000,000.</i>				
42	<i>In order to receive these funds, the locality must certify that it is providing a 100 percent</i>				
43	<i>match to the funds it will receive pursuant to this paragraph.</i>				
44	4) \$100,000,000 to the Department of Environmental Quality (440) to reimburse eligible				
45	entities as provided for in the Enhanced Nutrient Removal Certainty (ENRC) Program				
46	established in § 62.1-44.19:14, Code of Virginia, for capital costs incurred for the design				
47	and installation of nutrient removal technology, and to reimburse <i>the Wise County Public</i>				
48	<i>Service Authority for capital costs incurred for infrastructure improvements in the Town</i>				
49	<i>of Pound and the City of Petersburg for capital costs incurred for infrastructure</i>				
50	<i>improvements that are eligible for reimbursement under the Virginia Water Facilities</i>				
51	<i>Revolving Fund established in § 62.1-225, Code of Virginia. Such reimbursements shall</i>				
52	<i>be in accordance with eligibility determinations made by the Department of</i>				
53	<i>Environmental Quality.</i>				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	l. Drinking Water				
2	1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at				
3	small and disadvantaged community waterworks. These funds shall be limited in their use to				
4	qualifying municipal and private drinking water projects and shall not be used for				
5	improvements to the department's internal systems; <del>staffing</del> ; or processes.				
6	m. Parks				
7	1) \$25,000,000 to the Department of Conservation and Recreation (199) for outdoor				
8	recreation area maintenance and construction needs.				
9	2) \$1,000,000 to the Department of Conservation and Recreation (199) to be provided to				
10	Fairfax County for trail system connections at Lake Royal Park.				
11	n. Mental Health				
12	1) \$45,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
13	bonuses provided to direct care staff at state behavioral health facilities and intellectual				
14	disability training centers.				
15	2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
16	the continued expansion of community-based crisis services, which may include mobile crisis				
17	services and crisis receiving facilities.				
18	3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for				
19	the purchase of personal protective equipment at state facilities.				
20	4) \$50,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
21	the renovation or replacement of ventilation and water or sewer systems at state facilities.				
22	5) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) for				
23	permanent supportive housing in Northern Virginia to assist with the bed crisis at state				
24	facilities.				
25	6) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to				
26	expand a pilot program to serve approximately 60 additional individuals with a primary				
27	diagnosis of dementia who are ready for discharge from state geriatric behavioral health				
28	hospitals to the community and who are in need of nursing facility level care. Funding for the				
29	pilot program shall be dependent upon an agreement between the department and the				
30	Community Services Board in the jurisdiction the pilot program is located. The Department				
31	shall report to the Governor, the Chairs of the House Appropriations and Senate Finance and				
32	Appropriations Committees, and the Director of the Department of Planning and Budget on				
33	the design and implementation of the pilot program by December 1, 2021, with a report on the				
34	program's outcomes, including data on hospital readmissions and program sustainability by				
35	June 30, 2022.				
36	7) \$1,000,000 to the Department of Criminal Justice Services (140) to provide resources for				
37	crisis intervention team training to law-enforcement officers and dispatchers, and one position				
38	to provide technical assistance in support of the mental health awareness response and				
39	community understanding services (Marcus) alert system.				
40	o. Substance Use Disorder				
41	1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide prevention				
42	efforts.				
43	2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720) to				
44	make grants to members of the Virginia Association of Recovery Residences for recovery				
45	support services.				
46	3) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) to				
47	expand community-based substance use disorder treatment services.				
48	p. Public Health Initiatives				

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1) \$2,500,000 to the Virginia State Bar (117) for legal aid funding for legal representation				
2	in eviction cases.				
3	2) \$2,285,000 to the Department of General Services (194) for Consolidated Labs to				
4	include courier / dropbox enhancements, customer support upgrades, and Laboratory				
5	Information Management System (LIMS) infrastructure, development, and improvement.				
6	3) \$3,750,000 to the Department of Housing and Community Development (165) for a				
7	dedicated lead rehabilitation program to address childhood lead poisoning in residential				
8	properties.				
9	4) \$8,000,000 to the Department of Health (601) to address broadband connectivity and				
10	network infrastructure issues at local health departments. The department shall				
11	communicate a detailed plan and implementation schedule to the Governor, the Chairs of				
12	the House Appropriations and Senate Finance and Appropriations Committees, and the				
13	Director of the Department of Planning and Budget by September 30, 2021. Additionally,				
14	the department shall report quarterly to the Governor, the Chairs of the House				
15	Appropriations and Senate Finance and Appropriations Committees, and the Director of				
16	the Department of Planning and Budget on progress made, with the first progress report to				
17	be delivered not later than December 31, 2021.				
18	5) \$10,000,000 to the Department of Health (601) for the procurement and deployment of				
19	an electronic health records system. The department shall communicate a detailed plan				
20	and implementation schedule to the Governor, the Chairs of the House Appropriations and				
21	Senate Finance and Appropriations Committees, and the Director of the Department of				
22	Planning and Budget by September 30, 2021. Additionally, the department shall report				
23	quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and				
24	Appropriations Committees, and the Director of the Department of Planning and Budget				
25	on progress made, with the first progress report to be delivered not later than December				
26	31, 2021.				
27	6) \$30,000,000 to the Department of Health (601) to target core building upgrades at local				
28	health departments to mitigate the impact of infrastructure that hinders the agency's ability				
29	to reach and serve at-risk communities. The department shall communicate a detailed plan				
30	and implementation schedule to the Governor, the Chairs of the House Appropriations and				
31	Senate Finance and Appropriations Committees, and the Director of the Department of				
32	Planning and Budget by September 30, 2021. Additionally, the department shall report				
33	quarterly to the Governor, the Chairs of the House Appropriations and Senate Finance and				
34	Appropriations Committees, and the Director of the Department of Planning and Budget				
35	on progress made, with the first progress report to be delivered not later than December				
36	31, 2021.				
37	7) \$10,000,000 to the Department of Health (601) for the modernization of administrative				
38	systems and software in order to create response capacity during future emergencies. The				
39	department shall communicate a detailed plan and implementation schedule to the				
40	Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations				
41	Committees, and the Director of the Department of Planning and Budget by September 30,				
42	2021. Additionally, the department shall report quarterly to the Governor, the Chairs of				
43	the House Appropriations and Senate Finance and Appropriations Committees, and the				
44	Director of the Department of Planning and Budget on progress made, with the first				
45	progress report to be delivered not later than December 31, 2021.				
46	8) \$1,000,000 to the Department of Health (601) for the creation of a Public Oral Health				
47	Taskforce aimed at strengthening public oral health and improving patient outcomes and				
48	experiences.				
49	9) \$10,000,000 to the Department of Health (601) for a records management system that				
50	will digitize and automate records processes. The department shall communicate a				
51	detailed plan and implementation schedule to the Governor, the Chairs of the House				
52	Appropriations and Senate Finance and Appropriations Committees, and the Director of				
53	the Department of Planning and Budget by September 30, 2021. Additionally, the				
54	department shall report quarterly to the Governor, the Chairs of the House Appropriations				
55	and Senate Finance and Appropriations Committees, and the Director of the Department				
56	of Planning and Budget on progress made, with the first progress report to be delivered				

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	not later than December 31, 2021.			
2	10) \$20,000,000 to the Department of Health (601) to provide targeted community outreach in			
3	difficult to reach communities harmed by COVID-19.			
4	11) \$10,000,000 to the Department of Medical Assistance Services (602) to address			
5	operational backlogs by hiring contractors to assist with eligibility re-evaluations and member			
6	appeals. Funding also will be used to perform COVID-19 related outreach and engagement			
7	activities.			
8	12) \$31,148,676 to the Department of Medical Assistance Services (602) to make payments to			
9	Medicaid-eligible nursing homes and specialized care providers equivalent to a \$5 per diem			
10	rate for service dates between July 1, 2021, and June 30, 2022. The department shall have the			
11	authority to work with necessary vendors and contractors to determine payment eligibility,			
12	amounts, and the process by which payments will be made. Final payments will be made by			
13	September 30, 2022. The department shall have the authority to implement such payments			
14	prior to the completion of any regulatory process to effect such changes. The Governor is			
15	authorized to adjust this SLRF appropriation to ensure that sufficient funding is available to			
16	make necessary payments.			
17	13) \$528,300 to the Department for Aging and Rehabilitative Services (262) to fund			
18	HVAC/air quality systems and physical plant improvements in assisted living facilities that			
19	serve a disproportionate share of auxiliary grant residents.			
20	14) \$1,000,000 to the Department of Social Services (765) <i>to support for the Virginia</i>			
21	<i>Trauma-Informed Community Network (TICN) Virginia trauma-informed community</i>			
22	<i>networks (TICNs) to provide a community awareness campaign, education, professional</i>			
23	<i>development, mini grants, and other initiatives to support existing networks.</i>			
24	15) \$600,000 to the Department for the Blind and Vision Impaired (702) to construct an			
25	outdoor multi-purpose pavilion to allow activities to be conducted outdoors in a safer			
26	environment relative to COVID-19 transmission.			
27	16) \$11,500,000 to the Department for the Blind and Vision Impaired (702) to renovate the			
28	Virginia Industries for the Blind facility in Charlottesville to ensure that an essential link in			
29	the pandemic supply chain is available.			
30	17) \$450,000 to the Department for the Blind and Vision Impaired (702) to upgrade the			
31	ventilation systems in six agency offices.			
32	18) \$1,393,085 to the Department of Emergency Management (127) for Virginia Emergency			
33	Support Team (VEST) COVID-19 recovery activities and four support staff.			
34	19) \$10,270,354 to the Department of Veterans Services (912) to address revenue shortfalls			
35	resulting from reduced census at Sitter & Barfoot Veterans Care Center and Virginia Veterans			
36	Care Center caused by COVID-19, and to provide support for temporary additional staff at			
37	state veterans cemeteries.			
38	20) a) \$50,000,000 to the Department of Military Affairs (123) for projects at Readiness			
39	Centers (armories) to replace HVAC systems and to convert or expand existing multi-purpose			
40	spaces or to add space that may be used as emergency medical suites and to provide the			
41	necessary support equipment. Priority for use of these funds shall be given to completing			
42	HVAC projects.			
43	b) No less than 60 days prior to initiating a project, the department shall submit preliminary			
44	plans and specifications along with cost estimates for review and approval by the Six-Year			
45	Capital Outlay Plan Advisory Committee.			
46	21) \$529,000 to the Department of Military Affairs (123) for Infrared Body Temperature			
47	Scanning equipment and personal protective equipment.			
48	22) \$1,000,000 to the Department of Social Services (765) to upgrade mission critical			
49	network infrastructure.			
50	q. Language Translation Capacity			



ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1) \$500,000 to the Office of the Governor (121), Office of Equity, Diversity, and			
2	Inclusion, for language access translation planning consulting services. Consulting			
3	services will include the development of a plan to determine which state agencies have the			
4	highest need for translation services, determination of the types of services needed, and			
5	the determination of the costs to implement such services in support of determining			
6	amounts to consider for inclusion in the budget for the 2022-2024 biennium. The Chief			
7	Diversity Officer shall provide a report on the results of the translation planning efforts to			
8	the Governor and Chairs of the House Appropriations and Senate Finance and			
9	Appropriations Committees by November 1, 2021.			
10	r. Addressing Community Violence			
11	1) \$2,500,000 to the Office of the Attorney General (141) for gun violence reduction			
12	projects in partnership with select localities.			
13	2) \$12,199,930 to the Department of Criminal Justice Services (140) to support services to			
14	victims of crime including, but not limited, services for victims of sexual assault and			
15	domestic violence, victims of elder abuse and child abuse, and victims of crime. The			
16	Department shall use these funds to support sexual assault and domestic violence			
17	applicants of the Victims Services Grant Program for Fiscal Year 2022 such that the			
18	amounts reduced from the competitive grant applications for this grant period, due to lack			
19	of funding, are fully restored.			
20	3) \$1,000,000 to the Department of Criminal Justice Services (140) to support the Virginia			
21	Sexual and Domestic Violence Victim Fund.			
22	4) \$800,000 to the Department of Criminal Justice Services (140) to provide a one-time			
23	grant to the City of Hampton to support an employment program for court-involved			
24	youths and adults facing barriers to employment, expand services for those participating in			
25	or at risk of participating in gun violence, and provide counseling or mental health			
26	services for those exposed to violence.			
27	5) \$505,375 to the Department of Forensic Science (778) for the purchase of equipment to			
28	analyze firearms evidence.			
29	6) \$2,500,000 to the Department of Criminal Justice Services (140) to provide competitive			
30	one-time grants to groups providing community-based gun violence reduction or youth			
31	and gang violence intervention programming through initiatives including, but not limited			
32	to, those substantially similar to programs such as the Gang Reduction and Youth			
33	Development of Los Angeles and Operation Ceasefire of Boston models. In awarding			
34	such grants, the Department shall prioritize initiatives in localities experiencing higher			
35	than average levels of gun violence and those assessed pursuant to Item 406, Paragraph R			
36	of Chapter 1289 of the 2020 Session of the General Assembly.			
37	s. Public Safety			
38	1) \$375,000 to the Division of Capitol Police (961) to address staffing and security			
39	concerns at the seat of government. The funding shall be allocated subject to the approval			
40	of a spending plan by the Committee on Joint Rules that is consistent with federal			
41	requirements of the American Rescue Plan Act.			
42	2) \$33,179,883 to the Compensation Board (157) for a one-time hazard pay bonus of			
43	\$3,000 for state-supported sworn officers of Sheriff's Departments and Regional Jails.			
44	Furthermore, the Governor shall convene a work group to address the compensation			
45	structure for correctional officers at the Department of Corrections, deputy sheriffs within			
46	Sheriff's Departments, and regional jail officers. The workgroup shall include staff from			
47	the Department of Human Resource Management, the State Compensation Board, the			
48	Department of Corrections and the Joint Legislative Audit and Review Commission will			
49	deliver recommendations to the Governor and General Assembly by October 15, 2021.			
50	3) \$31,494,724 to the Department of Corrections (799) for COVID-19 testing in			
51	correctional facilities, including point prevalence testing at correctional facilities, antigen			
52	testing for non-vaccinated staff and visitors, equipment and supplies for COVID tests, and			
53	for wastewater surveillance testing. Also included in this amount is funding to support			
54	COVID-19 vaccination teams, to purchase equipment for the emergency disinfection			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	team, to purchase personal protective equipment (PPE) for correctional facilities, and to			
2	support the expansion of telehealthcare.			
3	4) \$23,550,248 to the Department of Corrections (799) to support a one-time hazard pay			
4	bonus of \$3,000 for corrections and law enforcement staff.			
5	5) \$1,618,086 to the Department of Corrections (799) to support rate increases for medical			
6	contractors and five staff positions to support COVID-19 project management activities.			
7	6) \$45,000 to the Department of Corrections (799) to reimburse the contractor that operates			
8	the Lawrenceville Correctional Center for the cost of personal protective equipment (PPE).			
9	7) \$410,000 to the Department of Juvenile Justice (777) to provide quarantine spaces, tents to			
10	enable outdoor visitation, testing supplies, personal protective equipment, and ventilation			
11	modifications for facilities. Also included in this amount is funding for mobile smartphones,			
12	for medical tracking software, and for vaccination clinics for residents and staff.			
13	8) \$638,140 to the Department of Juvenile Justice (777) to provide hazard pay for probation			
14	and security staff and a sign-on bonus for cafeteria and janitorial workers.			
15	9) \$1,380,000 to the Department of State Police (156) to <i>establish server interfaces, install a</i>			
16	<i>computer network, and perform system testing for a live scan fingerprinting machine</i>			
17	<i>replacement project. purchase live scan fingerprinting machines for the agency's area offices.</i>			
18	10) a) \$20,000,000 to the Department of State Police (156) to provide one-time bonuses to			
19	sworn, law enforcement personnel. The department is authorized to pay bonuses to its sworn,			
20	law enforcement officers of: \$5,000 to all sworn, law enforcement officers, compression			
21	bonuses within a range equivalent to two and eight percent of salary as appropriate to			
22	qualifying officers, sign-on/recruitment bonuses to newly hired troopers of \$5,000, and			
23	retention bonuses as needed. In addition, these funds may be used to reimburse up to \$2,000			
24	of relocation expenses for each newly hired trooper and any law enforcement personnel who			
25	is being relocated by the department.			
26	b) The department shall report its plan for allocating these funds to the permitted uses stated			
27	above in the compensation plan required in paragraph 5.k.5)b) of this item. In addition, no			
28	later than September 1, 2022, the department shall report the actual bonuses and expenses			
29	paid in fiscal year 2022.			
30	t. Elections			
31	1) \$1,500,000 to the Department of Elections (132) for voter education efforts to inform			
32	voters about new elections laws and to combat misinformation about Virginia elections.			
33	2) \$3,000,000 to the Department of Elections (132) to support local efforts to expand early			
34	voting to include the adoption of Sunday voting.			
35	<i>u. ARPA Reporting</i>			
36	<i>1) \$540,000 to the Department of Accounts (151) for assistance in meeting American Rescue</i>			
37	<i>Plan Act (ARPA) reporting requirements.</i>			
38	3.a. Prior to initiating any program, service, or spending from the appropriations listed in			
39	paragraph 2. above, the responsible agency must ensure that its intended action qualifies for			
40	the use of the funds under the ARPA criteria to support health expenditures, to address			
41	negative economic impacts caused by the public health emergency, to provide premium pay			
42	for essential workers, or to invest in water, sewer, and broadband infrastructure as described			
43	in the Interim Final Rule or the guidance issued by the U.S. Department of Treasury.			
44	Agencies shall not rely on the provisions for replacing lost public sector revenue as a			
45	qualifying criteria without receiving prior written approval from the Governor.			
46	b. Agencies must ensure compliance with all use, documentation, and reporting requirements			
47	established in state and federal guidelines and laws.			
48	4. The Governor is authorized to appropriate additional amounts not listed above if they must			
49	be executed before the 2022 regular session of the General Assembly in order to respond to a			
50	public health emergency or to prevent the emergence of a new health emergency. The			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Governor shall provide written notice to the chairpersons of the House Appropriations			
2	Committee and the Senate Finance and Appropriations Committee no less than five			
3	business days prior to appropriating such amounts.			
4	5. In addition to the amounts appropriated in the second year in the preceding			
5	subparagraphs of B.2. above, \$353,871,958 is authorized to be included in the Governor's			
6	introduced budget for the 2022-2024 biennium from SLRF amounts received from the			
7	federal government. The following agencies shall provide a plan for the proposed use of			
8	the SLRF amounts listed to the Governor and the Chairs of the House Appropriation and			
9	Senate Finance and Appropriations Committees via budget requests submitted to the			
10	Department of Planning and Budget on or before October 1, 2021.			
11	a. Unemployment Assistance			
12	1) \$17,600,000 to the Virginia Employment Commission (182) for information			
13	technology modernization, call center improvements, security, and claims adjudication.			
14	Information technology improvements shall include a customer relationship management			
15	system and other such communication tools to better serve Unemployment Insurance			
16	clients.			
17	b. Broadband			
18	1) \$1,500,000 to the Department of General Services (194) for legal and real estate			
19	transaction support for agencies that own property to support broadband expansion.			
20	2) \$8,000,000 to the Department of Housing and Community Development (165) for a			
21	Line Extension Customer Assistance Program to support the extension of existing			
22	broadband networks to low-to-moderate income residents.			
23	c. Other small business			
24	1) \$22,500,000 to the Department of Housing and Community Development (165) to			
25	support the Virginia Removal or Rehabilitation of Derelict Structures Fund program.			
26	Notwithstanding § 36-155, Code of Virginia, for the purposes of this funding, the			
27	maximum grant amount shall be \$5,000,000 for projects in economically distressed areas,			
28	and any grant award in excess of \$1,000,000 for projects in economically distressed areas			
29	shall be conditioned upon a 100 percent match of local and/or private funds by the local			
30	government. The funds shall be managed and awarded through the Industrial			
31	Revitalization Fund process; however, the department may adjust the criteria to reflect the			
32	provisions established by the U.S. Department of the Treasury's rules and regulations			
33	regarding the Coronavirus State and Local Fiscal Recovery Funds established under the			
34	American Rescue Plan Act. Pursuant to these provisions, DHCD shall increase project cap			
35	amounts and consider updates to program guidelines that make more projects viable,			
36	especially in communities disproportionately impacted by the pandemic. Where the			
37	proposed project's end user is a private business, DHCD shall include evaluation criteria			
38	that incentivizes significant private investment.			
39	2) \$4,000,000 to the Department of Housing and Community Development (165) to			
40	support the Virginia Main Street program in providing assistance to businesses recovering			
41	from the COVID-19 pandemic.			
42	d. Food Access			
43	1) \$11,000,000 to the Department of Agriculture and Consumer Services (301) for food			
44	assistance, including continuation of the Virginia Agriculture Food Assistance Program			
45	established in § 3.2-4783, Code of Virginia, and to expand the capacity of Virginia's			
46	network of food providers to accept, store, and distribute food products.			
47	e. CSOs and Wastewater			
48	1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well			
49	and septic systems for homeowners at or below 200 percent of the federal poverty			
50	guidelines.			
51	f. Drinking Water			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at			
2	small and disadvantaged community waterworks. These funds shall be limited in their use to			
3	qualifying municipal and private drinking water projects and shall not be used for			
4	improvements to the department's internal systems, staffing, or processes.			
5	g. Mental Health			
6	1) \$76,900,000 to the Department of Behavioral Health and Developmental Services (720) for			
7	salary adjustments for direct care staff at state behavioral health facilities and intellectual			
8	disability training centers.			
9	2) \$20,000,000 to the Department of Behavioral Health and Developmental Services (720) for			
10	the continued expansion of community-based crisis services.			
11	3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for			
12	the purchase of personal protective equipment at state facilities.			
13	4) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to			
14	continue an expanded pilot program in FY 2023 to serve approximately 60 additional			
15	individuals with a primary diagnosis of dementia who are ready for discharge from state			
16	geriatric behavioral health hospitals to the community and who are in need of nursing facility			
17	level care. Funding for the pilot program shall be dependent upon an agreement between the			
18	department and the Community Services Board in the jurisdiction the pilot program is			
19	located.			
20	5) \$3,000,000 to the Department of Criminal Justice Services (140) to provide resources for			
21	crisis intervention team training to law-enforcement officers and dispatchers, and one position			
22	to provide technical assistance in support of the mental health awareness response and			
23	community understanding services (Marcus) alert system.			
24	h. Substance Use Disorder			
25	1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide prevention			
26	efforts.			
27	2) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) to			
28	expand community-based substance use disorder treatment services.			
29	i. Public Health Initiatives			
30	1) \$4,756,000 to the Department of General Services (194) for Consolidated Labs to include			
31	customer support upgrades and Laboratory Information Management System (LIMS)			
32	infrastructure, development, and improvement.			
33	2) \$3,750,000 to the Department of Housing and Community Development (165) for a			
34	dedicated lead rehabilitation program to address childhood lead poisoning in residential			
35	properties.			
36	3) \$20,000,000 to the Department of Health (601) for the procurement and deployment of an			
37	electronic health records system.			
38	4) \$40,000,000 to the Department of Health (601) for the modernization of administrative			
39	systems and software in order to create response capacity during future emergencies.			
40	5) \$20,000,000 to the Department of Health (601) for a records management system that will			
41	digitize and automate records processes.			
42	6) \$5,000,000 to the Department of Medical Assistance Services (602) to address operational			
43	backlogs by hiring contractors to assist with eligibility re-evaluations and member appeals.			
44	Funding also will be used to perform COVID-19 related outreach and engagement activities.			
45	7) \$3,479,700 to the Department for Aging and Rehabilitative Services (262) to fund			
46	HVAC/air quality systems and physical plant improvements in assisted living facilities that			
47	serve a disproportionate share of auxiliary grant residents.			
48	j. Addressing Community Violence			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	1) \$75,000 to the Department of Forensic Science (778) for the purchase of equipment			
2	used to analyze firearms evidence.			
3	k. Public Safety			
4	1) \$1,596,258 to the Department of Corrections (799) for five staff positions to support			
5	COVID-19 project management activities.			
6	2) \$135,000 to the Department of Corrections (799) to reimburse the contractor that			
7	operates the Lawrenceville Correctional Center for the cost of personal protective			
8	equipment (PPE).			
9	3) \$600,000 to the Department of Juvenile Justice (777) to fund mobile smartphones for			
10	agency staff.			
11	4) \$1,380,000 to the Department of State Police (156) to support live scan fingerprinting			
12	machines for the agency's area offices.			
13	5) a) \$20,000,000 to the Department of State Police (156) to implement a new			
14	compensation plan for sworn, law enforcement positions that addresses recruitment of			
15	new officers, retention of the existing law enforcement workforce, and pay compression			
16	among the various levels of the sworn, law enforcement positions in the department based			
17	upon the findings presented in the study required by paragraph b) below.			
18	b) The department shall convene a workgroup that shall include staff from the Department			
19	of Human Resource Management and the Joint Legislative Audit and Review Commission			
20	for the purpose of conducting a comprehensive study to document the current issues that			
21	create barriers to the department's ability to recruit and retain qualified and diverse law			
22	enforcement personnel. The study should address issues of pay compression among the			
23	various levels of the existing law enforcement workforce, competition with other			
24	employers for individuals with the same preferred qualifications and skill sets, and any			
25	other circumstances such as the cost of relocation that create barriers to maintaining a			
26	diverse, high quality law enforcement workforce. In addition, the report shall include a			
27	detailed plan for implementing a compensation program that responds to the issues and			
28	problems outlined in the report and the related annual costs to implement the plan			
29	beginning in fiscal year 2023, and the ongoing cost for the next five fiscal years. This plan			
30	shall be submitted to the Governor, the Chair of the House Appropriations Committee, the			
31	Chair of the Senate Finance and Appropriations Committee, the Director of the			
32	Department of Human Resource Management, and the Director of the Department of			
33	Planning and Budget, no later than October 15, 2021, so that the required funding may be			
34	included in the 2022-2024 budget to be adopted by the General Assembly at its 2022			
35	Session.			
36	C. 1. Out of the appropriation for this Item, amounts estimated at \$221,739,237 the second			
37	year from the estimated revenues to be received from the federal distributions of Capital			
38	Project Fund amounts from the American Rescue Plan Act of 2021 (ARPA) shall be			
39	transferred to Department of Housing and Community Development for the			
40	implementation of broadband improvement projects in the Commonwealth. The funds			
41	shall be managed and awarded through the Virginia Telecommunications Initiative grant			
42	making process; however, the agency may adjust the criteria to reflect the provisions			
43	established by the U.S. Department of the Treasury's rules and regulations established			
44	under the American Rescue Plan Act.			
45	2. For grants awarded from the amounts appropriated in paragraphs C.1., B.2.b.2., and			
46	Item 114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the			
47	construction of broadband infrastructure through the Virginia Telecommunications			
48	Initiative, the Department of Housing and Community Development shall deliver an			
49	annual performance report to the Governor, Secretary of Commerce and Trade, and Chairs			
50	of the House Appropriations Committee and Senate Finance and Appropriations			
51	Committee on or before November 1st of each year, starting in Calendar Year 2022. To			
52	the extent possible, the annual performance report shall contain information by grant			
53	recipient and year on the following metrics: (1) Number of passings; (2) Grant dollars			
54	expended by fund source (State and Local Recovery Fund, Capital Project Fund, general			
55	fund state grants and match); (3) Contract performance period, and on-time progress			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	towards project delivery; (4) Maximum advertised project speeds available; and, (5)			
2	Achievement of key project milestones. The annual performance report shall include an			
3	evaluation of any projects under risk of incompleteness or underperformance. The Department			
4	of Housing and Community Development shall develop a public facing dashboard to be			
5	updated quarterly that contains key performance information by grant recipient and year, and			
6	includes the key performance indicators outlined above. Information in this public facing tool			
7	shall contain data beginning with grants awarded in the Fiscal Year 2022 Virginia			
8	Telecommunications Initiative grant cycle.			
9	D.1. The appropriation in this item includes an amount estimated at \$5,691,513,733 in the			
10	second year from the estimated revenues to be received pursuant to the American Rescue Plan			
11	Act of 2021 (ARPA) from grants other than the State and Local Recovery Fund (SLRF) and			
12	Capital Project Fund. The following appropriations shall be transferred from this item to the			
13	following:			
14	<b>RPA Fund Source / Grant</b>	<b>State Agency</b>	<b>FY 2022 Appropriation</b>	
15	State and Local Recovery Fund - Local	Department of Accounts Transfer	\$316,876,775	
16	(Non-Entitlement) - (US Treasury)	Payments (162)		
17	Emergency Rental Assistance (US	Department of Housing and Community	\$465,508,855	
18	Treasury)	Development (165)		
19	Elementary & Secondary School	Department of Education, Central Office	\$211,098,889	
20	Emergency Relief (ESSER) - (US DOE)	Operations (201)		
21	Elementary & Secondary School	Direct Aid to Public Education (197)	\$1,899,890,002	
22	Emergency Relief (ESSER) - (US DOE)			
23	Elementary & Secondary School	Department of Education, Central Office	\$13,818,290	
24	Emergency Relief Homeless Children and	Operations (201)		
25	Youth (ESSER) - (US DOE)			
26	Emergency Assistance to Non-Public	Department of Education, Central Office	\$46,344,360	
27	Schools (US DOE)	Operations (201)		
28	Higher Education Emergency Relief Fund	Maintain Affordable Access (984)	\$667,275,718	
29	(HEERF) - Public & Non-Profit			
30	Institutions (US DOE)			
31	IDEA - Grants to States (US DOE)	Direct Aid to Public Education (197)	\$67,450,511	
32	IDEA - Preschool (US DOE)	Direct Aid to Public Education (197)	\$4,931,537	
33	IDEA - Infants and Toddlers (US DOE)	Department of Behavioral Health and	\$5,216,946	
34		Developmental Services (720)		
35	Child Care & Development Block Grant	Department of Education, Central Office	\$305,492,999	
36	(ACF)	Operations (201)		
37	Child Care Stabilization Grants (ACF)	Department of Education, Central Office	\$488,605,381	
38		Operations (201)		
39	Child Care Entitlement to States (ACF)	Department of Education, Central Office	\$13,091,800	
40		Operations (201)		
41	Low-income Home Energy Assistance	Department of Social Services (765)	\$90,218,680	
42	Program (ACF)			
43	Low-Income Household Water Assistance	Department of Social Services (765)	\$9,870,267	
44	Program			
45	Pandemic Emergency Assistance (ACF)	Department of Social Services (765)	\$15,744,856	
46	Community-based Child Abuse	Department of Social Services (765)	\$6,231,546	
47	Prevention (ACF)			
48	Family Violence Prevention and Services	Department of Social Services (765)	<del>\$3,004,484</del>	
49	(ACF)		\$3,054,484	
50	Child Abuse State Grants (ACF)	Department of Social Services (765)	\$2,502,243	
51	Supportive Services (ACL)	Department for Aging and Rehabilitative	\$11,109,729	
52		Services (262)		
53	Home Delivered Meals (ACL)	Department for Aging and Rehabilitative	\$7,245,476	
54		Services (262)		
55	Congregate Meals (ACL)	Department for Aging and Rehabilitative	\$10,868,214	

ITEM 479.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1			Services (262)		
2	Preventive Services (ACL)		Department for Aging and Rehabilitative Services (262)		\$1,062,670
3					
4	Family Caregivers (ACL)		Department for Aging and Rehabilitative Services (262)		\$3,463,008
5					
6	Title XX Adult Services ( ACL)		Department for Aging and Rehabilitative Services (262)		\$2,021,926
7					
8	Title VII Long-term Care Ombudsman (ACL)		Department for Aging and Rehabilitative Services (262)		\$241,516
9					
10	Epidemiology and Lab Capacity for School Testing (CDC)		Department of Health (601)		\$244,000,000
11					
12	COVID-19 Vaccine Preparedness Adjustment (CDC)		Department of Health (601)		\$11,000,000
13					
14	Expand Genomic Sequencing (CDC)		Department of Health (601)		\$1,680,000
15	Crisis Response Cooperative Agreement (CDC)		Department of General Services (194)		\$654,800
16					
17	Crisis Response Cooperative Agreement (CDC)		Department of Health (601)		\$30,500,000
18					
19	Disease Intervention Workforce (CDC)		Department of Health (601)		\$18,078,048
20	Maternal, Infant and Early Childhood Home Visiting Grant Program (HRSA)		Department of Health (601)		\$449,000
21					
22	Small Rural Hospital Improvement Program (SHIP) (HRSA)		Department of Health (601)		\$5,167,520
23					
24	Mental Health Block Grant (SAMHSA)		Department of Behavioral Health and Developmental Services (720)		\$35,786,432
25					
26	Substance Abuse Block Grant (SAMHSA)		Department of Behavioral Health and Developmental Services (720)		\$33,982,454
27					
28	Community-based overdose prevention programs, syringe services programs, and other harm reduction services (HHS)		Department of Behavioral Health and Developmental Services (720)		\$750,000
29					
30					
31					
32	Funding For Community-Based Local Behavioral Health Needs (HHS)		Department of Behavioral Health and Developmental Services (720)		\$1,250,000
33					
34	SNAP 3-Year State Administrative Expense Grants (USDA)		Department of Social Services (765)		\$19,217,240
35					
36	Pandemic EBT Administrative Grant		Department of Social Services (765)		\$10,000,000
37	HOME Investment Partnerships Program - Non-entitlement (HUD)		Department of Housing and Community Development (165)		\$39,724,473
38					
39	Unemployment Insurance Extension Implementation Grants (US DOL)		Virginia Employment Commission (182)		\$556,712,639
40					
41	FTA Nonurbanized Area Formula - (US DOT)		Department of Rail and Public Transportation (505)		\$1,495,144
42					
43	Enhanced Mobility of Seniors & Persons with Disabilities - State (US DOT)		Department of Rail and Public Transportation (505)		\$890,896
44					
45					
46	FTA Intercity Bus Formula		Department of Rail and Public Transportation (505)		\$2,307,909
47					
48	Emergency Management Performance Grants (FEMA)		Department of Emergency Management (127)		\$2,297,623
49					
50	Institute of Museum and Library Services (IMLS)		The Library Of Virginia (202)		\$3,872,000
51					
52	National Endowment for the Arts - State Arts Agencies		Virginia Commission for the Arts (148)		\$871,100
53					
54	Aid to State Veterans Homes - Construction (US VA)		Department of Veterans Services (912)		\$1,439,777
55					

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Environmental Justice Cooperative	Department of Environmental Quality		\$200,000
2	Agreement Program (EPA)	(440)		
3	2. a. Out of the appropriation for the Elementary and Secondary School Emergency Relief			
4	(ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department			
5	of Education, Central Office Operations (201), \$3,500,000 the second year shall be			
6	transferred to Direct Aid to Public Education (197) to support the state and local shares of			
7	special education private day school costs for any student with a disability who received			
8	special education and related services in a private day school setting during the 2020-2021			
9	school year and who opts for an extension to attend school during the 2021-2022 school year			
10	pursuant to Item 146.d. of Chapter 552, 2021 Acts of Assembly, Special Session I. Payments			
11	to school divisions to support special education private day school costs for such students			
12	shall deduct any amounts due to the school division pursuant to Item 146.d of Chapter 552			
13	and the local match for those funds based on the composite index of local ability-to-pay. All			
14	students who are provided the temporary extension of special education eligibility pursuant to			
15	Item 146.d of Chapter 552 shall be provided a free appropriate public education consistent			
16	with the federal Individuals with Disabilities Education Act for the duration of the 2021-2022			
17	school year, notwithstanding such students' age or school setting. School divisions are			
18	encouraged to use federal ESSER Funds to meet the local share of costs for such students.			
19	b. Out of the appropriation for the Elementary and Secondary School Emergency Relief			
20	(ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department			
21	of Education, Central Office Operations (201), \$11,500,000 the second year shall be			
22	transferred to Direct Aid to Public Education (197) to support recruitment efforts through			
23	incentive payments to individuals hired to fill instructional positions between August 15,			
24	2021, and November 15, 2021. Local school divisions wishing to participate in this program			
25	shall report to the Department of Education the number of instructional position vacancies on			
26	August 15, 2021, no later than August 31, 2021. Based on this information, the Department			
27	shall communicate to each school division its available allocation from these funds, and			
28	school divisions shall communicate the availability of these funds in their recruitment. Such			
29	payments shall be based on \$2,500 per individual; however, for individuals hired in hard-to-			
30	fill positions or hard-to-staff schools, as defined by the Department of Education, the			
31	incentive payment shall be based on \$5,000 per individual. The Department of Education and			
32	the school divisions are authorized to prorate these amounts if the demand exceeds the initial			
33	allocation. School divisions shall (i) provide half of the incentive payment to the individual no			
34	earlier than January 1, 2022, and (ii) provide the balance of the full amount of the incentive			
35	payment to the individual no earlier than May 1, 2022, provided that the individual receives a			
36	satisfactory performance evaluation and provides a written commitment to return to the same			
37	school in the 2022-2023 school year. Individuals who are employed by a local school division			
38	in Virginia as of July 1, 2021, who accept an otherwise qualifying position in another local			
39	school division are not eligible for this incentive. Individuals employed by a local school			
40	division as of July 1, 2021, who transfer from a non-hard-to-staff school to a hard-to-staff			
41	school, as defined by the Department of Education, within the same division are eligible for			
42	the \$5,000 incentive payment. School divisions shall report to the Department of Education,			
43	in a format specified by the Department, all instructional hires in the 2021-2022 school year			
44	who qualify for this incentive payment, no later than November 30, 2021. No later than the			
45	first day of the 2022 General Assembly Session, the Department of Education shall report on			
46	the number of hires reported by each school division participating in this program and the			
47	anticipated amount of funding to be provided to each school division for payment to those			
48	individuals.			
49	3. The Director of the Department of Planning and Budget is authorized to adjust the amounts			
50	appropriated in paragraph D.1. above to reflect the actual revenues received by the			
51	Commonwealth for each grant.			
52	4.a. Agencies are authorized to initiate spending in the second year from these appropriations			
53	in order to provide one-time services for purposes authorized and permitted under federal law			
54	and in accordance with the guidance issued by the U.S. Department of Treasury and other			
55	applicable federal agencies, or to execute requirements of federal law that must be initiated.			
56	No such spending shall be initiated for programs or services that create an ongoing			
57	commitment of state resources after the conclusion of the federal grant unless such services			
58	are required by federal law.			



ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	b. Prior to initiating any program, service, or spending from these appropriations, the			
2	responsible agency must provide written notification of its intended action to the			
3	Governor, the Chairs of the House Appropriations Committee and the Senate Finance and			
4	Appropriations Committee, and the Director of the Department of Planning and Budget.			
5	Such notice shall be provided no less than ten business days before an agency initiates			
6	services or incurs any costs associated with the grant. For purposes of this section,			
7	initiating a program includes any public announcement or proposal presented to			
8	constituent groups.			
9	c. If an agency wishes to spend any amounts from these grants for purposes that create an			
10	ongoing commitment that must be maintained by state resources after the conclusion of			
11	the federal grant, it must receive prior approval and authorization of the General			
12	Assembly. Agencies must submit such proposals to the Department of Planning and			
13	Budget for consideration by the Governor and the General Assembly for the 2022-2024			
14	biennial budget.			
15	d. Agencies must ensure compliance with all use, documentation, and reporting			
16	requirements established in state and federal guidelines and laws.			
17	e. The Governor is authorized to appropriate any additional grants not listed above if they			
18	must be executed before the 2022 regular session of the General Assembly. The Governor			
19	shall provide written notice to the chairpersons of the House Appropriations Committee			
20	and the Senate Finance and Appropriations Committee no less than five business days			
21	prior to appropriating such grants.			
22	E.1. Effective July 1, 2021, through June 30, 2022, the Department of Medical Assistance			
23	Services (DMAS) shall temporarily increase the rates by 12.5 percent for all home and			
24	community based services eligible under guidance from the Centers for Medicaid and			
25	Medicare Services, except that for agency and consumer directed personal care, respite,			
26	and companion services in the home and community based services waivers and Early			
27	Periodic Screening, Diagnosis and Treatment (EPSDT) program, this temporary rate			
28	increase is effective until December 31, 2021. The department shall have the authority to			
29	implement these changes prior to completion of any regulatory process undertaken in			
30	order to effect such change.			
31	2. The Department of Medical Assistance Services (DMAS) shall seek federal authority			
32	through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI			
33	of the Social Security Act to issue one-time COVID-19 support directed payments in the			
34	amount of \$1,000 to Agency Directed personal care providers and Consumer Directed			
35	Attendants who provided personal care, attendant care, respite care, or companion care			
36	services to members who receive services via the EPSDT, Developmental Disability			
37	Waivers or the Commonwealth Coordinated Care Plus Waiver program during the first			
38	quarter of state fiscal year 2022. DMAS shall have the authority to work with necessary			
39	vendors and contractors to determine payment eligibility and the process by which			
40	payments will be made. The department shall have the authority to implement necessary			
41	changes prior to the completion of any regulatory process undertaken in order to effect			
42	such change. Effective October 1, 2021, DMAS shall begin implementing these processes			
43	and make payments as soon as administratively feasible.			
44	3. The Department of Medical Assistance Services (DMAS) shall develop strategies, for			
45	consideration by the 2022 General Assembly, to re-invest general fund dollars freed-up by			
46	the enhanced federal match on home and community based services (HCBS). These			
47	strategies should enhance the Commonwealth's HCBS by creating capacity to meet the			
48	growing demand for HCBS and support structural changes needed to strengthen the HCBS			
49	systems. In addition, DMAS shall work with the Department of Behavioral Health and			
50	Developmental Services and the Centers for Medicaid and Medicare Services to identify			
51	any opportunities to use HCBS reinvestment dollars to divert individuals who are at risk			
52	of institutionalization in state facilities. DMAS shall prioritize those strategies that do not			
53	require significant on-going obligations or rely on rate increases. By October 1, 2021,			
54	DMAS shall report these strategies, including six year cost projections, to the Governor,			
55	the Chairs of the House Appropriations and Senate Finance and Appropriations			
56	Committees, and the Director, Department of Planning and Budget.			
57	F. Notwithstanding any requirement in state law or regulation, the Superintendent of			

ITEM 479.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Public Instruction, with the support of the Commissioner of Social Services, shall have the			
2	authority to alter staff-to-child ratios and group sizes for licensed child day centers and child			
3	day centers that participate in the Child Care Subsidy Program by increasing the number of			
4	children per staff by (1) one child for groups of children from birth to the age of eligibility to			
5	attend public school, and (2) two children for groups of children from the age of eligibility to			
6	attend public school through 12 years. Child day centers that take advantage of this flexibility			
7	must notify families in writing of the temporary increase in ratios and group size. This			
8	authority and any resultant waiver of state law or regulation shall expire June 30, 2022. The			
9	Superintendent of Public Instruction shall ensure that any action taken under this provision is			
10	permissible under federal requirements.			
11	G. Temporary nurse aides practicing in long term care facilities under the federal Public			
12	Health Emergency 1135 Waiver may be deemed eligible by the Board of Nursing while this			
13	waiver is in effect to take the National Nurse Aide Assessment Program examination upon			
14	submission of a completed application, the employer's written verification of competency and			
15	employment as a temporary nurse aide, and provided no other grounds exist under Virginia			
16	law to deny the application.			
17	H. The Department of Behavioral Health and Developmental Services shall interpret Standard			
18	12VAC35-105-530 E. to include "lack of adequate staff" as one of the conditions which can			
19	jeopardize the health, safety or welfare of individuals and/or employees to permit			
20	implementation of the emergency evacuation plan in accordance with Paragraphs A. (as			
21	applicable), B. & G. DBHDS shall, if necessary, increase the licensed capacity for a minimum			
22	of six months for any location within 24 hours of receiving notice either verbally or via			
23	electronic communication to ensure that compliance is maintained with Department of			
24	Medical Assistance Regulation 12VAC30-122. Variances shall be granted for standards			
25	12VAC35-105-340 and/or 360 as requested. This requirement shall end on June 30, 2022.			
26	I.1. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of			
27	clinical nurse specialist shall practice in consultation with a licensed physician in accordance			
28	with a practice agreement between the nurse practitioner and the licensed physician.			
29	2. Notwithstanding the provisions of paragraph I.1. of this item, a nurse practitioner who was			
30	registered with the Board of Nursing as a clinical nurse specialist immediately prior to July 1,			
31	2021, may practice without a practice agreement with a licensed physician if such nurse			
32	practitioner practices without prescriptive authority. This provision shall expire after June 30,			
33	2022.			
34	J. Any amounts appropriated in this item that remain unspent at the end of any fiscal year			
35	shall be reappropriated in the next fiscal year to be spent for the same purposes as stated in			
36	this act.			
37	480.	Not set out.		
38	481.	Not set out.		
39	482.	Not set out.		
40	482.10	Not set out.		
41	482.20	Omitted.		
42		Total for Central Appropriations.....		\$63,830,293 \$9,502,226,343
43				\$9,500,084,312
44		Fund Sources: General.....	(\$9,023,428)	\$336,918,851
45				\$336,159,327
46		Higher Education Operating.....	\$3,525,816	\$3,525,816
47				\$553,309
48		Trust and Agency.....	\$69,327,905	\$69,327,905
49		Federal Trust.....	\$0	\$9,092,453,771
50				\$9,094,043,771

ITEM 482.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	TOTAL FOR CENTRAL APPROPRIATIONS.....			\$63,830,293	\$9,502,226,343
2					\$9,500,084,312
3	Fund Sources: General.....	(\$9,023,428)	\$336,918,851		
4			\$336,159,327		
5	Higher Education Operating.....	\$3,525,816	\$3,525,816		
6			\$553,309		
7	Trust and Agency.....	\$69,327,905	\$69,327,905		
8	Federal Trust.....	\$0	\$9,092,453,771		
9			\$9,094,043,771		
10	TOTAL FOR EXECUTIVE DEPARTMENT.....			\$65,769,183,994	\$78,547,425,102
11					\$80,450,246,851
12	General Fund Positions.....	48,937.16	49,397.22		
13			49,399.22		
14	Nongeneral Fund Positions.....	66,615.62	67,160.46		
15			67,176.46		
16	Position Level.....	115,552.78	116,557.68		
17			116,575.68		
18	Fund Sources: General.....	\$22,086,174,841	\$24,598,282,737		
19			\$24,522,480,342		
20	Special.....	\$1,652,938,794	\$1,616,062,699		
21			\$1,620,435,325		
22	Higher Education Operating.....	\$9,675,880,238	\$9,830,927,696		
23			\$9,831,455,189		
24	Commonwealth Transportation.....	\$7,452,158,239	\$7,545,441,398		
25			\$8,008,791,423		
26	Enterprise.....	\$1,634,763,263	\$1,683,280,334		
27	Internal Service.....	\$2,127,455,883	\$2,293,917,698		
28	Trust and Agency.....	\$2,428,022,502	\$2,486,301,516		
29			\$2,546,199,124		
30	Debt Service.....	\$358,087,772	\$358,087,772		
31	Dedicated Special Revenue.....	\$3,538,334,356	\$3,776,514,062		
32			\$4,071,027,536		
33	Federal Trust.....	\$14,815,368,106	\$24,358,609,190		
34			\$25,514,572,108		

ITEM 483.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>INDEPENDENT AGENCIES</b>			
<b>2</b>	483.	Not set out.		
<b>3</b>	484.	Not set out.		
<b>4</b>	485.	Not set out.		
<b>5</b>	486.	Not set out.		
<b>6</b>	487.	Not set out.		
<b>7</b>	488.	Not set out.		
<b>8</b>	489.	Not set out.		
<b>9</b>	490.	Not set out.		
<b>10</b>	491.	Not set out.		
<b>11</b>	492.	Not set out.		
<b>12</b>	493.	Not set out.		
<b>13</b>	494.	Not set out.		
<b>14</b>	495.	Not set out.		
<b>15</b>	496.	Not set out.		
<b>16</b>	497.	Not set out.		
<b>17</b>	497.10	Not set out.		
<b>18</b>	TOTAL FOR INDEPENDENT AGENCIES.....		<b>\$1,052,416,223</b>	<b>\$1,064,550,621</b>
<b>19</b>	Nongeneral Fund Positions.....	1,925.00	1,944.00	
<b>20</b>	Position Level.....	1,925.00	1,944.00	
<b>21</b>	Fund Sources: General.....	\$2,418,671	\$2,843,671	
<b>22</b>	Special.....	\$112,646,104	\$107,378,939	
<b>23</b>	Enterprise.....	\$766,813,839	\$754,665,405	
<b>24</b>	Trust and Agency.....	\$114,366,642	\$115,198,839	
<b>25</b>	Dedicated Special Revenue.....	\$52,108,967	\$80,401,767	
<b>26</b>	Federal Trust.....	\$4,062,000	\$4,062,000	

ITEM 498.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
<b>1</b>	<b>STATE GRANTS TO NONSTATE ENTITIES</b>			
<b>2</b>	498.	Not set out.		
<b>3</b>	TOTAL FOR STATE GRANTS TO NONSTATE			
<b>4</b>	ENTITIES.....		\$0	\$0
<b>5</b>	TOTAL FOR PART 1: OPERATING EXPENSES.		<b>\$67,494,854,807</b>	<b>\$80,308,247,697</b>
<b>6</b>				<b>\$82,211,069,446</b>
<b>7</b>	General Fund Positions.....	53,053.37	53,625.43	
<b>8</b>			53,627.43	
<b>9</b>	Nongeneral Fund Positions.....	68,768.12	69,242.96	
<b>10</b>			69,258.96	
<b>11</b>	Position Level.....	121,821.49	122,868.39	
<b>12</b>			122,886.39	
<b>13</b>	Fund Sources: General.....	\$22,720,454,731	\$25,256,005,011	
<b>14</b>			\$25,180,202,616	
<b>15</b>	Special.....	\$1,779,847,212	\$1,737,703,952	
<b>16</b>			\$1,742,076,578	
<b>17</b>	Higher Education Operating.....	\$9,675,880,238	\$9,830,927,696	
<b>18</b>			\$9,831,455,189	
<b>19</b>	Commonwealth Transportation.....	\$7,452,158,239	\$7,545,441,398	
<b>20</b>			\$8,008,791,423	
<b>21</b>	Enterprise.....	\$2,401,577,102	\$2,437,945,739	
<b>22</b>	Internal Service.....	\$2,127,455,883	\$2,293,917,698	
<b>23</b>	Trust and Agency.....	\$2,542,512,823	\$2,601,624,034	
<b>24</b>			\$2,661,521,642	
<b>25</b>	Debt Service.....	\$358,087,772	\$358,087,772	
<b>26</b>	Dedicated Special Revenue.....	\$3,615,998,362	\$3,882,470,868	
<b>27</b>			\$4,176,984,342	
<b>28</b>	Federal Trust.....	\$14,820,882,445	\$24,364,123,529	
<b>29</b>			\$25,520,086,447	

	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

**1 PART 2: CAPITAL PROJECT EXPENSES**

**2 § 2-0. GENERAL CONDITIONS**

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

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

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

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

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

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

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

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

**25** 2. Agencies and institutions of higher education can expend up to \$2,000,000 for a single repair or project, and up to \$4,000,000 for a  
**26** roof replacement project, through the maintenance reserve appropriation. Such expenditures shall be subject to rules and regulations  
**27** prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this  
**28** threshold, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets  
**29** the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

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

**32** F. Conditions Applicable to Bond Projects

**33** 1. The capital projects listed in §§ 2-26 and 2-27 for the indicated agencies and institutions of higher education are hereby authorized  
**34** and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a  
**35** principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized  
**36** interest for any project listed in §§ 2-26 and 2-27 is hereby authorized.

**37** 2. The issuance of bonds for any project listed in § 2-26 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution  
**38** of Virginia.

**39** 3. The issuance of bonds for any project listed in §§ 2-26 or 2-27 shall be authorized pursuant to § 23.1-1106, Code of Virginia.

**40** 4. In the event that the cost of any capital project listed in §§ 2-26 and 2-27 shall exceed the amount appropriated therefore, the  
**41** Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in  
**42** appropriation authority of not more than ten percent of the amount designated in §§ 2-26 and 2-27 for such project, from any available  
**43** nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital  
**44** project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest  
**45** earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-26 and 2-27 for such capital  
**46** project.

Item Details(\$)		Appropriations(\$)	
First Year	Second Year	First Year	Second Year
FY2021	FY2022	FY2021	FY2022

- 1 5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax  
2 purposes.
- 3 6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of  
4 such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of  
5 funds.
- 6 7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-26 of this act with the  
7 issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the  
8 contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the  
9 authorization of § 2-27 of this act.
- 10 8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of  
11 the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund,  
12 and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on  
13 the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in  
14 reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in  
15 Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.
- 16 9. Notwithstanding any other provision of law, a public institution of higher education may participate in the United States Department  
17 of Education Historically Black College and University Capital Financing Program (HBCU Program), and use federal grant and  
18 contract funds as permitted by the Program.
- 19 G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations  
20 unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:
- 21 1. Construction is in progress.
- 22 2. Equipment purchases have been authorized by the Governor but not received.
- 23 3. Plans and specifications have been authorized by the Governor but not completed.
- 24 4. Obligations were outstanding at the end of the previous biennium.
- 25 H. Alternative Financing
- 26 1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an  
27 alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a  
28 report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to  
29 entering into such alternative financing agreement. This report shall provide:
- 30 a. a description of the purpose to be achieved by the proposal;
- 31 b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or  
32 client populations pledged or encumbered by the alternative financing;
- 33 c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- 34 d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or  
35 institution; and
- 36 e. a recommendation and planned course of action based on this analysis.
- 37 I. Conditions Applicable to Alternative Financing
- 38 The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism,  
39 such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:
- 40 1. James Madison University
- 41 a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the  
42 Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational  
43 related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury  
44 Board Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.
- 45 b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to

	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

1 design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The  
 2 facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance  
 3 with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the  
 4 public or private entity to lease all or a portion of the facilities.

5 c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private  
 6 entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's  
 7 facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the  
 8 facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise  
 9 supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a  
 10 breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of  
 11 the University or the Commonwealth of Virginia.

12 d. James Madison University is further authorized to convey fee simple title in and to one or more parcels of land to James Madison  
 13 University Foundation (JMUF), which will develop and use the land for the purpose of developing and establishing residential housing  
 14 for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land  
 15 use in accordance with the University's Master Plan.

16 2. Longwood University

17 a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or  
 18 agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of  
 19 student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing  
 20 agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

21 b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing,  
 22 convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory  
 23 and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or  
 24 facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the  
 25 facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the  
 26 University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the  
 27 University or the Commonwealth of Virginia.

28 c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to  
 29 plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or  
 30 operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity  
 31 to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for  
 32 planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide  
 33 construction and/or permanent financing.

34 d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will  
 35 develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office,  
 36 retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's  
 37 Master Plan.

38 3. Christopher Newport University

39 a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend  
 40 or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport  
 41 University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

42 b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or  
 43 CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii)  
 44 include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including  
 45 collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the  
 46 activities at such facilities consistent with law, provided that the University shall not be required to take any action that would  
 47 constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other  
 48 indebtedness of the University or the Commonwealth of Virginia.

49 4. Radford University

50 a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to  
 51 explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related  
 52 facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board  
 53 Guidelines issued pursuant to § 23.1-1106 C.1.d, Code of Virginia.



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- 1 b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design,  
2 construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities.  
3 The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in  
4 accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written  
5 agreement with the public or private entity to lease all or a portion of the facilities.
- 6 c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for  
7 the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility  
8 inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the  
9 facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise  
10 supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute  
11 a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness  
12 of the University or the Commonwealth of Virginia.
- 13 5. University of Mary Washington
- 14 a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written  
15 agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or  
16 operational-related or other facilities through alternative financing agreements including public-private partnerships and leasehold  
17 financing arrangements.
- 18 b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student  
19 housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing  
20 inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied  
21 University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain  
22 police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with  
23 law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other  
24 indebtedness of the University or the Commonwealth of Virginia.
- 25 c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or  
26 private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related  
27 facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary  
28 Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the  
29 facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other  
30 costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.
- 31 d. The University of Mary Washington is further authorized to convey fee simple title in and to one or more parcels of land to the  
32 University of Mary Washington Foundation (UMWF) which will develop and use the land for the purpose of developing and  
33 establishing residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including  
34 office, retail and commercial, student services, or other auxiliary activities.
- 35 6. Norfolk State University
- 36 a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or  
37 agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus,  
38 subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.
- 39 b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such  
40 student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student  
41 housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students  
42 occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict  
43 construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and  
44 (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any  
45 action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing  
46 bonds or other indebtedness of the University or the Commonwealth of Virginia.
- 47 7. Northern Virginia Community College - Alexandria Campus
- 48 The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either  
49 with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased  
50 to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also  
51 authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities  
52 and management of the operation and maintenance of the same.

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	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022

1 8. Virginia State University

2 a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written  
3 agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation  
4 (VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and  
5 management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through  
6 alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by  
7 the Commonwealth.

8 b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned  
9 or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing,  
10 parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and  
11 maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university  
12 facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that  
13 the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents  
14 or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

15 9. College of William and Mary

16 a. Subject to the provisions of this act, the General Assembly authorizes the College of William and Mary, with the approval of the  
17 Governor, to explore and evaluate alternative financing scenarios to provide additional parking, student or faculty/staff housing,  
18 recreational, athletic and/or operational related facilities. The project shall be consistent with the guidelines of the Department of  
19 General Services and comply with Treasury Board guidelines issued pursuant to § 23.1-1106 C.1. (d), Code of Virginia.

20 b. The General Assembly authorizes the College of William and Mary to enter into written agreements with public or private entities to  
21 design, construct, and finance a facility or facilities to provide additional parking, student or faculty/staff housing, recreational, athletic,  
22 and/or operational related facilities. The facility or facilities may be on property owned by the Commonwealth. All project proposals  
23 and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. The College of William and Mary is also  
24 authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facility.

25 c. The General Assembly further authorizes the College of William and Mary to enter into written agreements with the public or private  
26 entities for the support and operation of such parking, student or faculty/staff housing, recreational, athletic, and /or operational related  
27 facilities by including the facilities in the College's facility inventory and managing their operation and maintenance including the  
28 assignment of parking authorizations, students, faculty or staff, and operations to the facility in preference to other university facilities,  
29 limiting construction of competing projects, and by otherwise supporting the facilities consistent with law, provided that the Collage  
30 shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other  
31 instruments constituting or securing bonds or other indebtedness of the College or the Commonwealth of Virginia.

32 d. The College of William and Mary is further authorized to convey fee simple title in and to one or more parcels of land to the William  
33 and Mary Real Estate Foundation (WMREF) which will develop and use the land for the purpose of developing and establishing  
34 residential housing for students, faculty, or staff, recreational, athletic, and/or operational related facilities including office, retail and  
35 commercial, student services, or other auxiliary activities.

36 10. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with  
37 any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

38 a. A member of the agency or institution's governing body;

39 b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to  
40 have, a direct influence on the approval of the alternative financing arrangement; or

41 c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have,  
42 a direct influence on the approval of the alternative financing arrangement.

43 J. 1. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction  
44 funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project  
45 remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic  
46 perspective.

47 2. Appropriations reappropriated for institutions of higher education, in accordance with § 23.1-1002, Code of Virginia, may be used to  
48 fund the detailed planning authorized for projects in this act and shall be reimbursed when the project is funded to move into the  
49 construction phase.

50 K. Any capital project that has received a supplemental appropriation due to cost overruns is expected to be completed within the  
51 revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or

	<b>Item Details(\$)</b>		<b>Appropriations(\$)</b>	
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	<b>FY2021</b>	<b>FY2022</b>	<b>FY2021</b>	<b>FY2022</b>

- 1 cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the  
 2 costs of additional overruns from nongeneral funds.
- 3 L. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when  
 4 conducting capital project reviews, design and construction decisions, and project scope changes.
- 5 M. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of  
 6 Richmond without the approval of the General Assembly.
- 7 N. All agencies of the Commonwealth and institutions of higher education shall provide information and/or use systems and processes  
 8 in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan  
 9 Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including  
 10 those funded from general and nongeneral fund sources.
- 11 O. The Director, Department of Planning and Budget, in consultation with the Six-Year Capital Outlay Plan Advisory Committee, is  
 12 authorized to transfer bond appropriations and bond proceeds between and among the capital pool projects listed in the table below, in  
 13 order to address any shortfall in appropriation in one or more of such projects:

14	<b>Pool Project No.</b>	<b>Pool Project Title</b>	<b>Authorization</b>
15	17775	Public Education Institutions Capital	Enactment Clause 2, § 4, Chapter 1, 2008
16		Account	Acts of Assembly, Special Session I
17	17776	State Agency Capital Account	Enactment Clause 2, § 2, Chapter 1, 2008
18			Acts of Assembly, Special Session I
19	17861	Supplements for Previously Authorized	Item C-85, Chapter 874, 2010 Acts of
20		Higher Education Capital Projects	Assembly; amended by Item C-85,
21			Chapter 890, 2011 Acts of Assembly
22	17862	Energy Conservation	Item C-86, Chapter 890, 2011 Acts of
23			Assembly
24	17967	Capital Outlay Project Pool	Item C-38.10, Chapter 3, 2012 Acts of
25			Assembly, Special Session I; amended by:
26			Item C-38.10, Chapter 806, 2013 Acts of
27			Assembly; by Item C-38.10, Chapter 1,
28			2014 Acts of Assembly, Special Session I;
29			Item C-43, Chapter 2, 2014 Acts of
30			Assembly, Special Session I; Item C-43,
31			Chapter 665, 2015 Acts of Assembly;
32			and Item 48.10, Chapter 836, 2017 Acts of
33			Assembly; and Item C-44.10, Chapter 854,
34			2019 Acts of Assembly.
35	18049	Comprehensive Capital Outlay Program	Item C-39.40, Chapter 806, 2013 Acts of
36			Assembly; amended by: Item C-39.40,
37			Chapter 1, 2014 Acts of Assembly, Special
38			Session I; Item C-46.10, Chapter 2, 2014
39			Acts of Assembly, Special Session I, Item
40			46.10, Chapter 665, 2015 Acts of
41			Assembly, and Item C-46, Chapter 2, 2018
42			Acts of Assembly, Special Session I.
43	18196	Capital Outlay Renovation Pool	Item C-46.15, Chapter 665, 2015 Acts of
44			Assembly; amended by: Item C-46.10,
45			Chapter 854, 2019 Acts of Assembly.
46	18300	2016 VPBA Capital Construction Pool	§ 1, Chapters 759 and 769, 2016 Acts of
47			Assembly; amended by: Item C-47,
48			Chapter 2, 2018 Acts of Assembly, Special
49			Session I.
50	18301	2016 VCBA Capital Construction Pool	§ 2, Chapters 759 and 769, 2016 Acts of
51			Assembly; amended by: Item C-48,
52			Chapter 2, 2018 Acts of Assembly, Special
53			Session I.
54	18371	2018 Capital Construction Pool	Item C-45, Chapter 2, 2018 Acts of
55			Assembly, Special Session I; amended by:

	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1				Item C-45, Chapter 854, 2019 Acts of
2				Assembly.
3	18382	Supplemental funding: Capitol Complex		Item C-51.50, Chapter 2, 2018 Acts of
4		Infrastructure and Security		Assembly, Special Session I; amended by:
5				Item C-51.50, Chapter 854, 2019 Acts of
6				Assembly.
7	18408	2019 Capital Construction Pool		Item C-48.10, Chapter 854, 2019 Acts of
8				Assembly.
9	18493	2020 VPBA Construction Pool		Item C-67 of this act.
10	18494	2020 VCBA Constructions Pool		Item C-68 of this act.
11	18145	Supplement Previously Authorized Capital		Item C-69 of this act.
12		Project Construction Pools		
13	18640	Supplement for Material Cost Volatility		Item C-69.50 of this act.
14	18540	2021 Capital Construction Pool		Item C-68.50 of this act.

15 P. Not more than a total aggregate principal amount of \$250 million in debt obligations shall be issued excluding refunding bonds in  
 16 any fiscal year for the capital projects listed in Items C-67 and C-68 of this act, provided, however, that if less than a total aggregate  
 17 principal amount of \$250 million in debt obligations is incurred in any fiscal year for such capital projects, the unused amount may be  
 18 added to any subsequential fiscal year. Issuance of debt shall proceed so that the projected average annual debt service on all tax-  
 19 supported debt over the 10-year horizon shall be in accordance with the guidelines established by the Debt Capacity Advisory  
 20 Committee. The Six-Year Capital Outlay Plan Advisory Committee shall establish procedures to ensure compliance with the annual  
 21 issuance limits and shall meet at least quarterly to review progress.

22 **EXECUTIVE DEPARTMENT**

23 **OFFICE OF ADMINISTRATION**

- 24 C-1. Not set out.
- 25 C-1.10 Not set out.
- 26 C-1.20 Not set out.
- 27 C-1.30 Not set out.

28	TOTAL FOR OFFICE OF ADMINISTRATION.....			<b>\$17,800,000</b>	<b>\$22,052,000</b>
29	Fund Sources: General.....	\$0	\$17,540,000		
30	Bond Proceeds.....	\$17,800,000	\$4,512,000		

31 **OFFICE OF AGRICULTURE AND FORESTRY**

- 32 C-2. Not set out.

33	TOTAL FOR OFFICE OF AGRICULTURE AND				
34	FORESTRY.....			<b>\$5,110,191</b>	<b>\$6,725,000</b>
35	Fund Sources: Dedicated Special Revenue.....	\$5,110,191	\$5,725,000		
36	Federal Trust.....	\$0	\$1,000,000		

37 **OFFICE OF EDUCATION**

38 **§ 2-1. CHRISTOPHER NEWPORT UNIVERSITY (242)**

- 39 C-3. Not set out.

ITEM C-4.		Item Details(\$)		Appropriations(\$)		
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022	
1	C-4.	New Construction: Integrated Science Center,				
2		Phase III (18496).....			\$2,061,000	\$0
3						\$2,061,000
4		Fund Sources: <i>General</i> .....	\$0	\$2,061,000		
5		Higher Education Operating.....	\$2,061,000	\$0		
6		A. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of				
7		Virginia, Christopher Newport University shall submit its completed detailed planning				
8		documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and				
9		recommendation. However, no planning documents pursuant to this item shall be				
10		submitted to the Governor or the General Assembly prior to July 1, 2022.				
11		B. Christopher Newport University shall be reimbursed for all nongeneral funds used				
12		when the project is funded to move into the construction phase.				
13		C. <i>The scope of this project is hereby amended to include 71,500 square feet of new</i>				
14		<i>construction and 8,300 square feet of renovation.</i>				
15		Total for Christopher Newport University.....			\$4,850,000	\$0
16						\$2,061,000
17		Fund Sources: <i>General</i> .....	\$0	\$2,061,000		
18		Higher Education Operating.....	\$2,061,000	\$0		
19		Bond Proceeds.....	\$2,789,000	\$0		
20	C-5.	Not set out.				
21	C-6.	Not set out.				
22	C-7.	Not set out.				
23	C-8.	Not set out.				
24	C-9.	Not set out.				
25	C-10.	Not set out.				
26	C-11.	Not set out.				
27	C-12.	Not set out.				
28	C-12.10	Not set out.				
29	C-12.20	Not set out.				
30	C-13.	Not set out.				
31	C-14.	Not set out.				
32	C-15.	Not set out.				
33	C-16.	Not set out.				
34	C-17.	Not set out.				
35	C-17.30	Not set out.				
36	C-17.50	Not set out.				

ITEM C-18.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-18.	Not set out.			
2	C-19.	Not set out.			
3	C-20.	Not set out.			
4	C-21.	Not set out.			
5	<b>§ 2-2. VIRGINIA COMMONWEALTH UNIVERSITY (236)</b>				
6	C-22.	Planning: Construct Interdisciplinary Classroom and			
7		Laboratory Building (18472).....		\$250,000	\$0
8					\$101,000
9		Fund Sources: Higher Education Operating.....	\$250,000	\$0	
10				\$101,000	
11	A. 1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Virginia Commonwealth University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2023.				
12					
13					
14					
15					
16	2. As part of the planning process for this project, Virginia Commonwealth University will evaluate and submit construction phasing options.				
17					
18	B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.				
19					
20	C-22.10	Not set out.			
21	C-22.20	Planning: New Arts and Innovation Building			
22		(18500).....		\$5,000,000	\$0
23					\$1,809,000
24		Fund Sources: Higher Education Operating.....	\$5,000,000	\$0	
25				\$1,809,000	
26	A.1. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, Virginia Commonwealth University shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation. However, no planning documents pursuant to this item shall be submitted to the Governor or the General Assembly prior to July 1, 2022.				
27					
28					
29					
30					
31	2. As part of the planning process for this project, Virginia Commonwealth University will evaluate and submit construction phasing options.				
32					
33	B. Virginia Commonwealth University shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.				
34					
35	Total for Virginia Commonwealth University.....			\$5,250,000	\$16,000,000
36					\$17,910,000
37	Fund Sources: General.....		\$0	\$14,700,000	
38	Higher Education Operating.....		\$5,250,000	\$1,300,000	
39				\$3,210,000	
40	<b>§ 2-3. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)</b>				
41	C-23.	Not set out.			
42	C-23.5	Not set out.			
43	C-24.	Omitted.			

ITEM C-24.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-24.10	Not set out.		
2		Total for Virginia Community College System.....	\$18,700,000	\$0
3		Fund Sources: General.....	\$500,000	\$0
4		Bond Proceeds.....	\$18,200,000	\$0
5	<b>§ 2-4. VIRGINIA MILITARY INSTITUTE (211)</b>			
6	C-25.	Not set out.		
7	C-25.10	<i>Improvements: Improve Cadet Safety and Security</i>		
8		<i>(18603).....</i>	\$0	\$8,675,000
9		<i>Fund Sources: General.....</i>	\$0	\$8,675,000
10		Total for Virginia Military Institute.....	\$2,000,000	\$0
11				\$8,675,000
12		Fund Sources: <i>General.....</i>	\$0	\$8,675,000
13		Bond Proceeds.....	\$2,000,000	\$0
14	<b>§ 2-5. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)</b>			
15	C-26.	Not set out.		
16	C-27.	Not set out.		
17	C-28.	Not set out.		
18	C-29.	Not set out.		
19	C-30.	Not set out.		
20	C-31.	Not set out.		
21	C-32.	Not set out.		
22	C-33.	Not set out.		
23	C-33.10	Not set out.		
24	C-34.	Omitted.		
25	C-35.	Not set out.		
26	C-36.	Not set out.		
27	C-36.10	Not set out.		
28	C-36.30	Not set out.		
29	C-36.40	Not set out.		
30	C-36.45	Not set out.		
31	C-36.50	Not set out.		

ITEM C-36.50.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	TOTAL FOR OFFICE OF EDUCATION.....			\$973,550,798	\$133,443,237
2					\$146,089,237
3	Fund Sources: General.....	\$1,800,000	\$14,700,000		
4			\$25,436,000		
5	Special.....	\$82,000,000	\$7,506,000		
6	Higher Education Operating.....	\$73,201,736	\$8,843,771		
7			\$10,753,771		
8	Bond Proceeds.....	\$816,549,062	\$102,393,466		
9	<b>OFFICE OF HEALTH AND HUMAN RESOURCES</b>				
10	C-37. Not set out.				
11	C-38. Not set out.				
12	C-39. Not set out.				
13	TOTAL FOR OFFICE OF HEALTH AND HUMAN				
14	RESOURCES.....			\$21,470,000	\$1,223,500
15	Fund Sources: Bond Proceeds.....	\$21,470,000	\$1,223,500		
16	<b>OFFICE OF NATURAL RESOURCES</b>				
17	<b>§ 2-6. DEPARTMENT OF CONSERVATION AND RECREATION (199)</b>				
18	C-40. Not set out.				
19	C-41. Not set out.				
20	C-42. Not set out.				
21	C-43. Not set out.				
22	C-44. Omitted.				
23	C-45. Omitted.				
24	C-46. Not set out.				
25	C-47. Omitted.				
26	C-48. Omitted.				
27	Total for Department of Conservation and				
28	Recreation.....			\$38,015,130	\$1,800,000
29	Fund Sources: General.....	\$0	\$1,000,000		
30	Special.....	\$1,945,020	\$0		
31	Dedicated Special Revenue.....	\$2,000,000	\$800,000		
32	Federal Trust.....	\$4,912,110	\$0		
33	Bond Proceeds.....	\$29,158,000	\$0		
34	C-49. Not set out.				
35	C-50. Not set out.				
36	C-51. Not set out.				



ITEM C-52.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-52.	Not set out.			
2	C-53.	Not set out.			
3		<b>§ 2-7. DEPARTMENT OF HISTORIC RESOURCES (423)</b>			
4	C-53.50	<i>New Construction: Construct Clermont Farm</i>			
5		<i>Barn Replacement (18642).....</i>		\$0	\$1,584,000
6		<i>Fund Sources: Special.....</i>		\$0	\$1,584,000
7		Total for Department of Historic Resources.....		\$0	\$1,584,000
8		<i>Fund Sources: Special.....</i>		\$0	\$1,584,000
9	C-54.	Not set out.			
10		TOTAL FOR OFFICE OF NATURAL			
11		RESOURCES.....		<b>\$57,265,130</b>	<b>\$11,050,000</b>
12					<b>\$12,634,000</b>
13		Fund Sources: General.....		\$0	\$1,000,000
14		Special.....		\$1,945,020	\$0
15					\$1,584,000
16		Dedicated Special Revenue.....		\$4,250,000	\$3,050,000
17		Federal Trust.....		\$11,912,110	\$7,000,000
18		Bond Proceeds.....		\$39,158,000	\$0
19		<b>OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY</b>			
20	C-55.	Not set out.			
21	C-55.10	Not set out.			
22	C-55.90	Not set out.			
23	C-56.	Not set out.			
24		TOTAL FOR OFFICE OF PUBLIC SAFETY			
25		AND HOMELAND SECURITY.....		<b>\$55,198,717</b>	<b>\$58,500,000</b>
26		Fund Sources: General.....		\$0	\$500,000
27		Trust and Agency.....		\$198,717	\$3,000,000
28		Bond Proceeds.....		\$55,000,000	\$55,000,000
29		<b>OFFICE OF TRANSPORTATION</b>			
30	C-56.50	Not set out.			
31	C-57.	Not set out.			
32	C-58.	Not set out.			
33	C-59.	Not set out.			
34	C-60.	Not set out.			
35	C-61.	Not set out.			
36	C-61.50	Not set out.			

ITEM C-61.50.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	TOTAL FOR OFFICE OF TRANSPORTATION.....			\$154,871,839	\$134,250,000
2	Fund Sources: Special.....	\$88,000,000	\$65,000,000		
3	Commonwealth Transportation.....	\$58,671,839	\$63,500,000		
4	Federal Trust.....	\$7,200,000	\$5,750,000		
5	Bond Proceeds.....	\$1,000,000	\$0		
6	<b>OFFICE OF VETERANS AND DEFENSE AFFAIRS</b>				
7	<b>§ 2-8. DEPARTMENT OF VETERANS SERVICES (912)</b>				
8	C-61.60 Not set out.				
9	C-61.70 Not set out.				
10	C-61.80 <i>Improvements: Expand Dublin Veterans Cemetery</i>				
11	<i>Columbarium (18638).....</i>			\$0	\$634,807
12	<i>Fund Sources: Federal Trust.....</i>	\$0	\$634,807		
13	<i>A. The Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of up to \$500,000 for the Department of Veterans Services for design costs and to assist with cash flow for the columbarium construction. The loan shall be repaid by the Department of Veterans Services by June 30, 2024.</i>				
14					
15					
16					
17	C-61.90 <i>Improvements: Expand Amelia Veterans Cemetery</i>				
18	<i>Columbarium (18639).....</i>			\$0	\$2,017,774
19	<i>Fund Sources: Federal Trust.....</i>	\$0	\$2,017,774		
20	<i>A. The Director, Department of Planning and Budget, shall approve a short-term, interest-free treasury loan in the amount of up to \$1,000,000 for the Department of Veterans Services for design costs and to assist with cash flow during the columbaria construction. The loan shall be repaid by the Department of Veterans Services by June 30, 2024.</i>				
21					
22					
23					
24	Total for Department of Veterans Services.....			\$1,129,000	\$3,794,789
25					\$6,447,370
26	Fund Sources: Federal Trust.....	\$0	\$2,173,789		
27			\$4,826,370		
28	Bond Proceeds.....	\$1,129,000	\$1,621,000		
29	C-62. Not set out.				
30	C-63. Not set out.				
31	C-63.10 Not set out.				
32	C-63.20 Not set out.				
33	TOTAL FOR OFFICE OF VETERANS AND				
34	DEFENSE AFFAIRS.....			\$11,979,000	\$6,794,789
35					\$9,447,370
36	Fund Sources: Federal Trust.....	\$7,850,000	\$2,173,789		
37			\$4,826,370		
38	Bond Proceeds.....	\$4,129,000	\$4,621,000		
39	<b>CENTRAL APPROPRIATIONS</b>				
40	<b>§ 2-9. CENTRAL CAPITAL OUTLAY (949)</b>				
41	C-64. Not set out.				

ITEM C-65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1 C-65.	Not set out.			
2 C-66.	Planning: Detail Planning for Capital Projects			
3	(17968).....		\$1,517,750	\$14,150,000
4	Fund Sources: General.....	\$0	\$14,150,000	
5	Dedicated Special Revenue.....	\$1,517,750	\$0	
6	A. Included in the appropriation for this Item is \$1,517,750 the first year from the Central			
7	Capital Planning Fund (09650), established under authority of § 2.2-1520, Code of			
8	Virginia, and \$14,150,000 the second year from the general fund to be used for pre-			
9	planning and detailed planning of authorized projects.			
10	B. The following projects shall be funded for detailed planning from amounts in the			
11	Central Capital Planning Fund and such amounts are hereby appropriated.			
12	<b>Agency</b>	<b>Agency Name</b>	<b>Project Title</b>	
13	<b>Code</b>			
14	156	Department of State Police	Replace training academy at	
15			department headquarters	
16	156	Department of State Police	Replace Division 6	
17			Headquarters	
18	211	Virginia Military Institute	Construct Center for	
19			Leadership and Ethics	
20			Facility, Phase II	
21	213	Norfolk State University	Renovate / Replace Fine Arts	
22			Building	
23	215	University of Mary	Construct Fine and	
24		Washington	Performing Arts Center	
25	234	Cooperative Extension and	Renovate Summerseat for	
26		Agricultural Research	Urban Agriculture Center	
27		Services		
28	417	Gunston Hall	Construction of New	
29			Archaeology and	
30			Maintenance Facilities	
31	720	Department of Behavioral	Food Service Renovations	
32		Health and Developmental	Statewide	
33		Services		
34	720	Department of Behavioral	Eastern State Hospital Phase 4	
35		Health and Developmental		
36		Services		
37	799	Department of Corrections	Powhatan Infirmary	
38			Replacement	
39	799	Department of Corrections	Deerfield Correctional Center	
40			Expansion	
41	942	Virginia Museum of Natural	Construct satellite facility in	
42		History	Waynesboro, Virginia	
43	C. The Department of General Services is authorized to begin pre-planning to develop the			
44	state-owned property at 703 E. Main Street in Richmond, Virginia. No later than			
45	November 1, 2020, the Department shall submit to the Six-Year Capital Outlay Plan			
46	Advisory Committee its pre-planning documents, with capital costs for the development			
47	of the site.			
48	D. In accordance with Title 2.2, Chapter 15.1, Code of Virginia, each institution and			
49	agency shall submit its completed detailed planning documents to the Six-Year Capital			
50	Outlay Plan Advisory Committee for its review and recommendation. However, no			
51	planning documents pursuant to this item for the Construct Fine and Performing Arts			

ITEM C-66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Center at the University of Mary Washington, the Renovate / Replace Fine Arts Building at			
2	Norfolk State University or the Construct Center for Leadership and Ethics Facility, Phase II			
3	at Virginia Military Institute shall be submitted to the Governor or the General Assembly			
4	prior to July 1, 2022.			
5	E. Each agency and institution of higher education may use nongeneral funds to complete the			
6	pre-planning or detailed planning documents for projects authorized in this Item.			
7	F. In accordance with § 2.2-1520, Code of Virginia, the Director, Department of Planning and			
8	Budget, shall reimburse the Central Capital Planning Fund for the amounts provided for			
9	detailed planning when the project is funded to move into the construction phase.			
10	G. The Director of the Department of Planning and Budget shall transfer \$1,000,000 on July			
11	1, 2020, from Item 402 of this act to supplement planning for the Deerfield Correctional			
12	Center Expansion project.			
13	<i>H. The Department of Corrections, in consultation with the Department of General Services,</i>			
14	<i>shall report on its plans for using the 722-acre property at 3500 Beaumont Road in Powhatan</i>			
15	<i>County, previously known as the Beaumont Juvenile Correctional Center, as a consolidated</i>			
16	<i>medical facility for state-responsible inmates and describe how the facility will support the</i>			
17	<i>planned transition of medical service delivery to a state-managed model. The report shall</i>			
18	<i>also include information on other potential state needs and uses for the Beaumont property,</i>			
19	<i>and justification stating the reasons the expansion of the medical facility at Deerfield</i>			
20	<i>Correctional Facility and the replacement of Powhatan Infirmary (authorized in Chapter 552,</i>			
21	<i>2021 Acts of Assembly, Special Session I) are no longer feasible to address the Department's</i>			
22	<i>infirmary and long-term care needs. The Department shall not proceed with the Deerfield</i>			
23	<i>Correctional Center Expansion or Powhatan Infirmary Replacement planning projects until</i>			
24	<i>the report is completed and presented to the Six-Year Capital Outlay Plan Advisory</i>			
25	<i>Committee (Committee). The Committee shall evaluate the report and make the determination</i>			
26	<i>whether to allow the Department of Corrections to proceed with detailed planning for a</i>			
27	<i>medical facility on the Beaumont property using funding provided in support of detailed</i>			
28	<i>planning for the Deerfield and Powhatan projects.</i>			
29	C-66.10	Omitted.		
30	C-67.	Not set out.		
31	C-68.	Not set out.		
32	C-68.50	Not set out.		
33	C-69.	Supplement Previously Authorized Capital Project		
34		Construction Pools (18145).....	\$228,950,000	\$0
35				\$80,000,000
36		Fund Sources: <i>General</i> .....	\$0	\$80,000,000
37		Bond Proceeds.....	\$228,950,000	\$0
38	A. 1.A: †. Included in this item is \$228,950,000 in bond appropriation <i>the first year and</i>			
39	<i>\$80,000,000 from the general fund the second year</i> which may be transferred between and			
40	among the capital project pools listed, or any project within a listed pool notwithstanding §			
41	2.2-1519 E, in paragraph O. of § 2-0 of this act in order to address any shortfall in			
42	appropriation in one or more of such project pools or project, pursuant to the provisions of §			
43	2-0, paragraph O., of this act. <i>The bond appropriation and</i> may be financed in whole or in part			
44	through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq.,			
45	Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2260 et seq.,			
46	Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these			
47	projects may be sold and issued under the 21st Century College Program at the same time			
48	with other obligations of the Authority as separate issues or as a combined issue. The			
49	aggregate principal amount shall not exceed \$228,950,000 plus amounts needed to fund			
50	issuance costs, reserve funds, original issue discount, interest prior to and during the			
51	acquisition or construction and for one year after completion thereof, and other financing			
52	expenses, in accordance with § 2.2-2263, Code of Virginia.			

ITEM C-69.	Item Details(\$)		Appropriations(\$)	
	First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	2. From the list of capital project pools included in paragraph O. of § 2-0 of this act, the			
2	Director, Department of Planning and Budget, shall provide to the Chairmen of the			
3	Virginia College Building Authority and the Virginia Public Building Authority the			
4	specific projects, as well as the amounts for these projects, to be financed by each			
5	authority within the dollar limit established by this authorization upon the transfer of any			
6	such appropriation in this Item.			
7	3. Included in this item is \$25,000,000 in bond appropriation is provided as a supplement			
8	to the Capital Complex Infrastructure and Security project authorized and funded in			
9	paragraph E.1 Item C-39.40, Chapter 1 of the 2014 Special Session I, Virginia Acts of			
10	Assembly, for additional scope and security improvements.			
11	4. Included in this item is \$28,250,000 in bond appropriation provided as a supplement to			
12	the "Virginia Institute of Marine Science, Construct New Research Facility" project			
13	previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of			
14	Assembly, as "Virginia Institute of Marine Science, Replace Mechanical Systems and			
15	Repair Building Envelope of Chesapeake Bay Hall" in order to replace the existing			
16	Chesapeake Hall, for which a renovation is no longer a viable alternative, with a			
17	comparable sized new facility. Additional funding for the revised scope and cost is			
18	contained in this item.			
19	5. Included in this item is up to \$30,000,000 in bond appropriation provided as a			
20	supplement to the "Construct Life Sciences and Engineering Building/Renovate Bull Run			
21	Hall, Prince William (18000)" project previously authorized in Item C-39.40, Chapter 806,			
22	2013 Acts of Assembly, as "George Mason University, Construct Life Sciences Building,			
23	Prince William (Construct Bull Run Hall IIIB Addition)" in order to provide for an			
24	additional floor (33,000 SF) to the project. Additional funding for the revised scope and			
25	cost is contained in this item.			
26	. 6. Debt service on the projects contained in this Item shall be provided from			
27	appropriations to the Treasury Board.			
28	. 7. The appropriations in this Item are subject to the conditions in § 2-0 F. of this act.			
29	C-69.50	Supplement for Material Cost Volatility (18640).....	\$0	\$100,000,000
30		Fund Sources: General.....	\$0	\$100,000,000
31	A.1. Notwithstanding §2.2-1519, Code of Virginia, for the purposes of subsection E, §2.2-			
32	1519, Code of Virginia, any metric involving 105 percent of the general fund-supported			
33	resources allocated to a project may also be compared to the general fund-supported			
34	resources allocated to the project multiplied by one plus one half of the percent change			
35	over the previous 12 months in the producer price index's special index for construction			
36	materials. The greater of such amounts shall serve as the basis for any comparison			
37	detailed in §2.2-1519.			
38	2. For the purposes of this paragraph, "producer price index's special index for			
39	construction materials" means the producer price index's special index for construction			
40	materials published by the Federal Reserve Bank of St. Louis in its Federal Reserve			
41	Economic Data online database using data from the U.S. Department of Labor's Bureau			
42	of Labor Statistics.			
43	3. Included in this Item is \$100,000,000 the second year from the general fund for the			
44	purpose of funding the difference between 105 percent of the general fund-supported			
45	resources for projects as determined during the detailed planning phase pursuant to			
46	subsection E.1., §2.2-1519, Code of Virginia, and one plus one half of the percent change			
47	over the previous 12 months in the producer price index's special index for construction			
48	materials in instances where one plus one half of the percent change in the producer price			
49	index is greater.			
50	4. The Director of the Department of Planning and Budget may transfer amounts from this			
51	Item upon certification by the Director of the Department of General Services that a			
52	project has met the requirements of this paragraph. The Six-Year Capital Outlay Plan			
53	Advisory Committee shall be notified when transfers are made pursuant to this paragraph.			

ITEM C-70.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	C-70.	Not set out.			
2	C-70.50	Not set out.			
3	C-71.	Improvements: Workforce Development Projects			
4		(18418).....		\$13,600,000	\$8,500,000
5					\$29,200,000
6		Fund Sources: <i>General</i> .....	\$0	\$20,700,000	
7		Bond Proceeds.....	\$13,600,000	\$8,500,000	
8		A. 1. The Virginia College Building Authority, pursuant to § 23.1-1200 et seq., Code of			
9		Virginia, is authorized to issue bonds in a principal amount not to exceed \$22,100,000 plus			
10		amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to			
11		and during the acquisition or construction and for one year after completion thereof, and other			
12		financing expenses, to finance the capital costs of the project for which the appropriation is			
13		this Item is provided.			
14		2. Debt service on bonds issued under the authorization in this Item shall be provided from			
15		appropriations to the Treasury Board.			
16		3. <i>In addition to the bond authorization and appropriation in this Item is included</i>			
17		<i>\$20,700,000 the second year from the general fund.</i>			
18		B. Funds from this Item shall be allocated in accordance with signed Memorandums of			
19		Understanding under the provisions established in §23.1-1239 through §23.1-1243, Code of			
20		Virginia, and shall be used to support the efforts of qualified institutions to increase by fiscal			
21		year 2039 the number of new eligible degrees by at least 25,000 more degrees than the			
22		number of such degrees awarded in 2018 and to improve the readiness of graduates to be			
23		employed in technology-related fields and fields that align with traded-sector growth			
24		opportunities identified by the Virginia Economic Development Partnership.			
25	C-72.	Not set out.			
26	C-72.10	Omitted.			
27	C-72.50	Not set out.			
28	C-72.60	Not set out.			
29	C-72.70	Not set out.			
30	C-73.	Not set out.			
31	C-74.	Not set out.			
32	C-75.	Not set out.			
33	C-76.	Not set out.			
34	C-76.10	Not set out.			
35	C-76.20	A. <i>The Director, Department of Planning and Budget, shall transfer on or before June 30,</i>			
36		<i>2022, unutilized Virginia College Building Authority (VCBA) bond authorization and</i>			
37		<i>appropriation from the projects listed below and in the amounts shown to the 2016 VCBA</i>			
38		<i>Capital Construction Pool project 18301, as authorized in § 2, Chapters 759 and 769, 2016</i>			
39		<i>Acts of Assembly and amended by Item C-48, Chapter 2, 2018 Acts of Assembly, Special</i>			
40		<i>Session I:</i>			

41	<i>Agency No.</i>	<i>Project No.</i>	<i>Issuing Authority</i>	<i>Initial Authorization</i>	<i>Amount</i>
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ITEM C-76.20.			Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year	First Year	Second Year
	FY2021	FY2022	FY2021	FY2022	FY2021	FY2022
1	207	18291	VCBA	Item C-52.10, Chapter		\$54,869.06
2				780, 2016 Acts of		
3				Assembly		
4	B. The Director, Department of Planning and Budget, shall transfer on or before June 30,					
5	2022, unutilized Virginia Public Building Authority (VPBA) bond authorization and					
6	appropriation from the projects listed below and in the amounts shown to the 2016 VPBA					
7	Capital Construction Pool project 18300, as authorized in § 1, Chapters 759 and 769,					
8	2016 Acts of Assembly and amended by Item C-47, Chapter 2, 2018 Acts of Assembly,					
9	Special Session I:					
10	<b>Agency No.</b>	<b>Project No.</b>	<b>Issuing Authority</b>	<b>Initial Authorization</b>	<b>Amount</b>	
11	720	17733	VPBA	C-103.05, Chapter 781,	134,507.15	
12				2009 Acts of Assembly		
13	Total for Central Capital Outlay.....				<b>\$1,867,744,167</b>	<b>\$280,168,021</b>
14						<b>\$480,868,021</b>
15	Fund Sources: General.....		\$0	\$203,142,850		
16				\$403,842,850		
17	Special.....		\$35,000,000	\$0		
18	Dedicated Special Revenue.....		\$40,951,750	\$0		
19	Federal Trust.....		\$17,015,317	\$0		
20	Bond Proceeds.....		\$1,774,777,100	\$77,025,171		
21	C-77.	Not set out.				
22	C-78.	Not set out.				
23	TOTAL FOR CENTRAL APPROPRIATIONS.....				<b>\$1,867,744,167</b>	<b>\$280,168,021</b>
24						<b>\$480,868,021</b>
25	Fund Sources: General.....		\$0	\$203,142,850		
26				\$403,842,850		
27	Special.....		\$35,000,000	\$0		
28	Dedicated Special Revenue.....		\$40,951,750	\$0		
29	Federal Trust.....		\$17,015,317	\$0		
30	Bond Proceeds.....		\$1,774,777,100	\$77,025,171		
31	TOTAL FOR EXECUTIVE DEPARTMENT.....				<b>\$3,164,989,842</b>	<b>\$654,206,547</b>
32						<b>\$871,789,128</b>
33	Fund Sources: General.....		\$1,800,000	\$236,882,850		
34				\$448,318,850		
35	Special.....		\$206,945,020	\$72,506,000		
36				\$74,090,000		
37	Higher Education Operating.....		\$73,201,736	\$8,843,771		
38				\$10,753,771		
39	Commonwealth Transportation.....		\$58,671,839	\$63,500,000		
40	Trust and Agency.....		\$198,717	\$3,000,000		
41	Dedicated Special Revenue.....		\$50,311,941	\$8,775,000		
42	Federal Trust.....		\$43,977,427	\$15,923,789		
43				\$18,576,370		
44	Bond Proceeds.....		\$2,729,883,162	\$244,775,137		
45	<b>INDEPENDENT AGENCIES</b>					
46	C-79.	Not set out.				
47	TOTAL FOR INDEPENDENT AGENCIES.....				<b>\$21,600,000</b>	<b>\$0</b>

ITEM C-79.		Item Details(\$)		Appropriations(\$)	
		First Year FY2021	Second Year FY2022	First Year FY2021	Second Year FY2022
1	Fund Sources: Special.....	\$21,497,962	\$0		
2	Dedicated Special Revenue.....	\$102,038	\$0		
3	TOTAL FOR PART 2: CAPITAL PROJECT				
4	EXPENSES.....			\$3,186,589,842	\$654,206,547
5					\$871,789,128
6	Fund Sources: General.....	\$1,800,000	<del>\$236,882,850</del>		
7			<del>\$448,318,850</del>		
8	Special.....	\$228,442,982	<del>\$72,506,000</del>		
9			<del>\$74,090,000</del>		
10	Higher Education Operating.....	\$73,201,736	<del>\$8,843,771</del>		
11			<del>\$10,753,771</del>		
12	Commonwealth Transportation.....	\$58,671,839	\$63,500,000		
13	Trust and Agency.....	\$198,717	\$3,000,000		
14	Dedicated Special Revenue.....	\$50,413,979	\$8,775,000		
15	Federal Trust.....	\$43,977,427	<del>\$15,923,789</del>		
16			<del>\$18,576,370</del>		
17	Bond Proceeds.....	\$2,729,883,162	\$244,775,137		



**PART 3: MISCELLANEOUS****§ 3-1.00 TRANSFERS**

## § 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 2021	FY 2022
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
b) 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)	\$23,613	\$23,613
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,419	\$2,419
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$39,169	\$39,169
b) Soft Drink Excise Tax	\$1,596	\$1,596
c) Virginia Litter Tax	\$9,472	\$9,472
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	\$34,500	\$34,500
7. Alcoholic Beverage Control Authority (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



1	(948)			
2	The Science Museum of	0200	\$25,000	\$25,000
3	Virginia (146)			
4	Virginia Museum of	0200	\$20,764	\$20,764
5	Fine Arts (238)			
6	Virginia Museum of	0500	\$14,344	\$14,344
7	Fine Arts (238)			
8	Virginia Museum of	0200	\$1,176	\$1,176
9	Natural History (942)			
10	Board of Accountancy	0900	\$13,366	\$13,366
11	(226)			
12	Department for Aging	0200	\$41,215	\$41,215
13	and Rehabilitative			
14	Services (262)			
15	Department for the Deaf	0200	\$4,533	\$4,533
16	and Hard of Hearing			
17	(751)			
18	Department of	0200	\$61,085	\$61,085
19	Behavioral Health and			
20	Developmental Services			
21	(720)			
22	Department of Health	0900	\$123,687	\$123,687
23	(601)			
24	Virginia Foundation for	0900	\$16,548	\$16,548
25	Healthy Youth (852)			
26	State Corporation	0900	\$9,058	\$9,058
27	Commission (171)			
28	Virginia College	0500	\$351,045	\$351,045
29	Savings Plan (174)			
30	Board of Bar Examiners	0200	\$1,324	\$1,324
31	(233)			
32	Supreme Court (111)	0900	\$370,537	\$370,537
33	Department of	0200	\$111,878	\$111,878
34	Conservation and			
35	Recreation (199)			
36	Department of	0900	\$37,175	\$37,175
37	Conservation and			
38	Recreation (199)			
39	Department of Game	0900	\$130,208	\$130,208
40	and Inland Fisheries			
41	(403)			
42	Marine Resources	0900	\$2,525	\$2,525
43	Commission (402)			
44	Department of Criminal	0200	\$56,351	\$56,351
45	Justice Services (140)			

1	Department of Criminal	0900	\$1,153	\$1,153
2	Justice Services (140)			
3	Department of Fire	0200	\$106,205	\$106,205
4	Programs (960)			
5	Division of Community	0900	\$17,156	\$17,156
6	Corrections (767)			
7	Department of Aviation	0400	\$79,561	\$79,561
8	(841)			
9	Department of Motor	0400	\$3,878,102	\$3,878,102
10	Vehicles (154)			
11	Department of Rail and	0400	\$740,647	\$740,647
12	Public Transportation			
13	(505)			
14	Department of	0400	\$5,128,092	\$5,128,092
15	Transportation (501)			
16	Motor Vehicle Dealer	0200	\$16,447	\$16,447
17	Board (506)			
18	Virginia Port Authority	0200	\$172,599	\$172,599
19	(407)			
20	Virginia Port Authority	0400	\$86,102	\$86,102
21	(407)			
22	Department of Military	0900	\$11,357	\$11,357
23	Affairs (123)			
24			<b>\$12,287,244</b>	<b>\$12,287,244</b>

25 2. Following the transfers authorized in paragraph F.1. of this section in the each year, the State Comptroller shall transfer  
 26 \$2,787,795 each year back to the Department of Motor Vehicles to replace the anticipated loss of driving privilege reinstatement fee  
 27 revenue.

28 G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an  
 29 amount estimated at \$708,231,123 the first year and ~~\$690,903,334~~ *\$843,361,811* the second year, from the Virginia Lottery Fund. The  
 30 transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer *from the*  
 31 *Virginia Lottery Fund the estimated profits generated* ~~the balance of the Virginia Lottery Fund~~ for the first five months of the fiscal  
 32 year and (2) thereafter, the transfer of *estimated profits* will be made on a monthly basis, or until the amount estimated at  
 33 \$708,231,123 the first year and ~~\$690,903,334~~ *\$843,361,811* the second year has been transferred to the Lottery Proceeds Fund. *The*  
 34 *final annual transfer of profits necessary to reach the annual estimate noted in this section, not to exceed the amounts estimated in*  
 35 *this paragraph, shall be initiated no later than* ~~Prior to~~ June 20 of each year, ~~the Virginia Lottery Executive Director shall estimate~~  
 36 ~~the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller~~ so that the estimated  
 37 profits can be transferred to the Lottery Proceeds Fund prior to June 22.

38 2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller  
 39 shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund *profits* for the prior fiscal  
 40 year. If such annual audit discloses that the actual revenue is *was* less than the ~~estimate on which the June total~~ transfer of *estimated*  
 41 *profits for the year was based*, the State Comptroller shall adjust the next ~~monthly~~ transfer from the Virginia Lottery Fund to account  
 42 for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall  
 43 take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of  
 44 Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as  
 45 specified in § 58.1-4022.1, Code of Virginia.

46 H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and  
 47 which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the  
 48 second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general

- 1 fund of the state treasury.
- 2 2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the  
3 Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in  
4 addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public  
5 institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be  
6 paid into the general fund of the state treasury.
- 7 3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing  
8 structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount  
9 financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be  
10 paid into the general fund of the state treasury.
- 11 4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an  
12 administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of  
13 issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and  
14 \$50,000 the second year, and shall be paid into the general fund of the state treasury.
- 15 I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received  
16 from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance  
17 of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.
- 18 J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any  
19 amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.
- 20 K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer,  
21 notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of  
22 Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$5,500,000 the first year and  
23 ~~\$5,500,000~~ 9,400,000 the second year.
- 24 2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller  
25 to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the  
26 official revenue forecast for such collections.
- 27 L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical  
28 Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed  
29 \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly  
30 estimated amounts to the Trust Fund on July 15 of each year.
- 31 2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical  
32 Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the  
33 biennium.
- 34 M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the  
35 Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-  
36 638 E, this transfer shall not exceed \$11,000,000 the first year and \$11,000,000 the second year. Notwithstanding § 58.1-638 E,  
37 on or before June 30 of the first year and June 30 of the second year, the State Comptroller shall transfer to the Virginia Port  
38 Authority \$1,500,000 of the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia, to enhance and  
39 improve recreation opportunities for boaters, including but not limited to land acquisition, capital projects, maintenance, and  
40 facilities for boating access to the waters of the Commonwealth pursuant to the provisions of Senate Bill 693, 2018 Session of  
41 the General Assembly.
- 42 N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community  
43 Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This  
44 amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of  
45 the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement  
46 and § 3.2-4201, Code of Virginia.
- 47 2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an  
48 amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement  
49 Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the  
50 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.
- 51 O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,400,000 the first year and  
52 \$2,400,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.
- 53 P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and

- 1 \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the  
2 share that would otherwise have been transferred to the State Corporation Commission.
- 3 Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$5,000,000 the first year and an  
4 amount estimated at \$5,000,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the  
5 Department of Criminal Justice Services.
- 6 R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$3,864,585 the first year and \$3,864,585  
7 the second year from operating efficiencies to be implemented by the Alcoholic Beverage Control Authority.
- 8 S. On or before June 30 each year, the State Comptroller shall transfer \$466,600 the first year and \$466,600 the second year to the  
9 general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.
- 10 T. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of  
11 state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance  
12 from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher  
13 education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and  
14 Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to  
15 restore certain balances that have been transferred.
- 16 U.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter  
17 into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local  
18 governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.
- 19 2. Notwithstanding the provisions of § 2.2-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the  
20 Brunswick Correctional Center shall be paid into the general fund.
- 21 V. On a monthly basis, in the month subsequent to collection, the State Comptroller shall transfer all amounts collected for the fund  
22 created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 354, 406, and 426 of this act, for the purposes enumerated in  
23 Section 17.1-275.12.
- 24 W. On or before June 30 each year, the State Comptroller shall transfer \$12,518,587 the first year and \$12,518,587 the second year  
25 to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund  
26 contained in the Department of Health's Emergency Medical Services Program (40200).
- 27 X. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State  
28 Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the  
29 Department of Taxation's indirect costs of administering this tax estimated at \$106,451 the first year and \$90,780 the second year.
- 30 Y. Any amount designated by the State Comptroller from the June 30, 2020, or June 30, 2021, general fund balance for  
31 transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.
- 32 Z. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 06200) the  
33 balance from the Administration of Health Benefits Services Fund (Fund 06220) at the Department of Human Resource  
34 Management.
- 35 AA. The Department of General Services is authorized to dispose of the following property currently owned by the Department of  
36 Corrections in the manner it deems to be in the best interests of the Commonwealth: Pulaski Correctional Center and White Post  
37 Detention and Diversion Center. Such disposal may include sale or transfer to other agencies or to local government entities.  
38 Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of all or any part of the properties shall  
39 be deposited into the general fund.
- 40 BB. The State Comptroller shall transfer all revenues collected each year to the general fund from the Firearms Transaction,  
41 Concealed Weapons Permit, and Conservator of the Peace Programs at the Department of State Police.
- 42 CC. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Health Insurance Fund - Local (Fund  
43 05200) at the Administration of Health Insurance the balance from the Administration of Local Benefits Services Fund (Fund  
44 05220) at the Department of Human Resource Management.
- 45 DD. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the Line of Duty Death and Health Benefits  
46 Trust Fund (Fund 07420) at the Administration of Health Insurance the balance from the Administration of Health Benefits Payment  
47 - LODA Fund (Fund 07422) at the Department of Human Resource Management.
- 48 EE. On or before June 30, of each fiscal year, the State Comptroller shall transfer \$154,743 from Special Funds of the Department of  
49 Behavioral Health and Developmental Services (720) to Special Funds at the Office of the State Inspector General (147).
- 50 FF. The Department of General Services, with the cooperation and support of the Department of Agriculture and Consumer

1 Services, is authorized to sell, for such consideration and the Governor may approve, a portion of the Eastern Shore Farmers  
 2 Market, including the Market Office Building at 18491 Garey Road and the Produce Warehouse at 18513 Garey Road, Melfa,  
 3 Virginia 23410. The Department of Agriculture and Consumer Services, with the recommendation of the Department of  
 4 General Services, is authorized to grant any easement necessary to facilitate the sale of this portion of the Eastern Shore  
 5 Farmer's Market. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be  
 6 applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. After deduction  
 7 of the expenses incurred by the Department of Agriculture and Consumer Services, any proceeds that remain shall be deposited  
 8 to the general fund. Any conveyance shall be approved by the Governor in a manner set forth in §2.2-1150, Code of Virginia.

9 GG. On or before June 30 of each fiscal year, the State Comptroller shall transfer to the general fund the portion of the balances  
 10 of the Disaster Recovery Fund (Fund 02460) and Covid-19 Addtl State Funding (Fund 02019) at the Virginia Department of  
 11 Emergency Management that was received as a federal cost recovery. The amounts transferred represent repayment of the sum  
 12 sufficient fund originally appropriated for federally-declared emergencies. The Department of Emergency Management shall  
 13 report to the State Comptroller the amount of the balance to be transferred by June 1 of each year.

14 HH. Notwithstanding the provisions of subsection A of § 58.1-662, Code of Virginia, and in addition to clause (i) and (ii) of  
 15 that subsection, monies in the Communications Sales and Use Tax Trust Fund shall not be allocated to the Commonwealth's  
 16 counties, cities, and towns until after an amount equal to \$2,000,000 the first year is allocated to the general fund. The State  
 17 Comptroller shall deposit to the general fund \$2,000,000 on or before June 30, the first year and an additional \$2,000,000 on or  
 18 before June 30, the second year from the revenues received from the Communications Sales and Use Tax.

19 II. The transfer of excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund  
 20 to the general fund pursuant to Item 59 of this act is estimated at \$6,242,868 the first year and \$500,000 the second year.

21 JJ. On or before June 30, 2021, the State Comptroller shall transfer \$1,000,000 in Speical Funds from the Corrections Special  
 22 Reserve Fund, pursuant to § 30-19.1:4 of the Code of Viginia, to the capital planning project authorized in Item C-66,  
 23 Paragraph G of this act.

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

26 LL. On or before June 30, 2021, the State Comptroller shall transfer to the general fund, the balance of the Aerospace  
 27 Manufacturer Workforce Training Grant Fund estimated at \$1,203,000.

28 MM. As required by §4-1.05 b of Chapter 56, 2020 Special Session I, \$140,197 in various inactive nongeneral fund accounts  
 29 were reverted by the State Comptroller to the general fund in the first year *and \$108,599 in the second year.*

30 NN.1. On or before June 30, 2021, the State Comptroller shall transfer to the general fund all remaining balances estimated at  
 31 \$15,856, from Fund 02019, Covid-19 Additional State Funding, in the Department of Emergency Management.

32 2. On or before June 30, 2021, the State Comptroller shall transfer to the general fund all remaining balances estimated at  
 33 \$3,291,300, from Fund 02019, Covid-19 Additional State Funding, in the Department of Health.

#### 34 § 3-1.02 INTERAGENCY TRANSFERS

35 The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254  
 36 the second year to the Department of General Services for motor fuels testing.

#### 37 § 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

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

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

52 C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on

1 the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest  
 2 practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such  
 3 borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum  
 4 equal to the then current one-year United States Treasury Obligation Note rate.

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

9 **§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT**

10 § 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

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

13 B. The State Comptroller shall provide a Working Capital Advance for up to \$3,000,000 on July 1 of the first year and for up to  
 14 \$16,000,000 on July 1 of the second year, to the Department of Veterans Services to operate the Puller & Cabacoy Veterans Care  
 15 Centers, to be repaid from revenue generated by the facilities.

16 § 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

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

23 § 3-2.03 LINES OF CREDIT

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

25	Administration of Health Insurance, Health Benefits Services	\$75,000,000
26	Administration of Health Insurance, Line of Duty Act	\$10,000,000
27	Department of Accounts, for the Payroll Service Bureau	\$400,000
28	Department of Accounts, Transfer Payments	\$5,250,000
29	Alcoholic Beverage Control Authority	\$80,000,000
30	Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
31	Department of Corrections, for Federal Grant Processing	\$1,000,000
32	Department of Emergency Management, for Hazardous Material	\$150,000
33	Incident Response	
34	Department of Emergency Management, for Federal Grant	\$500,000
35	Processing	
36	Department of Environmental Quality	\$5,000,000
37	Department of Human Resource Management, for the Workers'	\$10,000,000
38	Compensation Self Insurance Trust Fund	
39	Department of Behavioral Health and Developmental Services	\$30,000,000
40	Department of Medical Assistance Services, for the Virginia	\$12,000,000
41	Health Care Fund	
42	Department of Motor Vehicles	\$30,600,000
43	Department of the Treasury, for the Unclaimed Property Trust	\$5,000,000
44	Fund	
45	Department of the Treasury, for the State Insurance Reserve	\$25,000,000
46	Trust Fund	
47	Virginia Lottery	\$56,000,000
48	Virginia Information Technologies Agency	\$165,000,000
49	Virginia Tobacco Settlement Foundation	\$3,000,000
50	Department of Historic Resources	\$600,000
51	Department of Fire Programs	\$30,000,000



1	Compensation Board	\$8,000,000
2	Department of Conservation and Recreation	\$4,000,000
3	Department of Military Affairs, for State Active Duty	\$5,000,000
4	Department of Military Affairs, for Federal Cooperative	\$30,000,000
5	Agreements	
6	Virginia Parole Board	\$50,000
7	Commonwealth's Attorneys' Services Council	\$200,000
8	Department of State Police, for the Internet Crimes Against	\$3,700,000
9	Children Grant	
10	Department of State Police, for Federal Grant Processing	\$1,500,000
11	Department of Social Services, for timing issues related to the	\$17,000,000
12	receipt of federal grants and other payments	

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

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

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

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

32 f. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military  
33 Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of  
34 Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

35 g. The Department of Human Resource Management shall repay the local health insurance option program's initial start-up  
36 costs, funded through the line of credit authorized in Chapter 836, 2017 Acts of Assembly, in fiscal years 2017 and 2018, over  
37 a period not to exceed ten years from the health insurance premiums paid by the local health insurance option program's  
38 participants.

39 h. The Department of Conservation and Recreation may utilize the line of credit authorized in paragraph a. to continue the  
40 development of the coastal master plan, including use of a consultant to assist in the plan's development. Any funds spent from  
41 the line of credit for this purpose shall be repaid from revenues generated by the Commonwealth's participation in the sale of  
42 allowances through the Regional Greenhouse Gas Initiative and deposited to the Virginia Community Flood Preparedness Fund  
43 pursuant to § 10.1-603.25, Code of Virginia.

#### 44 § 3-3.00 GENERAL FUND DEPOSITS

##### 45 § 3-3.01 PAYMENT BY THE STATE TREASURER

46 The state Treasurer shall transfer an amount estimated at \$50,000 on or before June 30, 2021 and an amount estimated at  
47 \$50,000 on or before June 30, 2022, to the general fund from excess 9(c) sinking fund balances.

#### 48 § 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER 49 EDUCATION

##### 50 § 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

51 A. 1. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary

1 enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of  
 2 Public Accounts. The State Comptroller shall credit those institutions meeting the requirement with the interest earned by the  
 3 investment of funds of their auxiliary enterprise programs.

4 2. The University of Virginia's College at Wise is authorized to suspend the transfer of the recovery of the full indirect cost of  
 5 auxiliary enterprise programs to the educational and general program for the 2020-2022 biennium.

6 3. Institutions of higher education shall have the authority to reduce the recovery of the full indirect cost of auxiliary enterprise  
 7 programs to the educational and general program for the 2020-2022 biennium as a result of the significant financial impact on  
 8 auxiliary enterprise programs caused by the COVID-19 pandemic.

9 4. a. Institutions of higher education shall have the authority to use available fund balances from other fund sources, to include  
 10 educational and general program reserves, to support operations, increased costs or revenue reductions, for auxiliary enterprise  
 11 programs for the 2020-2022 biennium. However, with the exception of transfer payments, educational and general program reserves  
 12 may not be used to directly support intercollegiate athletics.

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

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

### 20 § 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

#### 21 § 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

22 Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531  
 23 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under §  
 24 58.1-2510.

#### 25 §3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

26 Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee  
 27 imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of  
 28 administering the fee are recovered by the Department of Taxation.

#### 29 § 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

30 Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under §  
 31 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred  
 32 to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article  
 33 VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no  
 34 later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct  
 35 Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers  
 36 are \$421,600,000 the first year and ~~\$433,800,000~~ \$487,300,000 the second year.

#### 37 § 3-5.04 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

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

#### 42 § 3-5.05 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

43 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,  
 44 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to  
 45 be reported under § 17.1-283.

#### 46 § 3-5.06 ACCELERATED SALES TAX

47 A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-  
 48 616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of  
 49 \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year,  
 50 shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments

1 shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If  
 2 payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every  
 3 dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the  
 4 current year due July 20.

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

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

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

15 E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner  
 16 and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the  
 17 provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

18 F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§  
 19 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner  
 20 makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The  
 21 Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax  
 22 revenues have been paid into the state treasury in any month for the preceding month.

23 G. Beginning with the tax payment that would be remitted on or before June 25, 2021, if the payment is made by other than  
 24 electronic fund transfers, and by June 30, 2021, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of  
 25 Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of  
 26 \$10,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar  
 27 year.

## 28 § 3-5.07 DISCOUNTS AND ALLOWANCES

29 A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the  
 30 compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied  
 31 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  
 32 the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax  
 33 levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

34 Monthly Taxable Sales	Percentage
35 \$0 to \$62,500	1.6%
36 \$62,501 to \$208,000	1.2%
37 \$208,001 and above	0.8%

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

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

## 41 § 3-5.08 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

42 The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with  
 43 Chapter 766, 2013 Acts of Assembly.

## 44 § 3-5.09 INTANGIBLE HOLDING COMPANY ADDBACK

45 Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1,  
 46 2004:

47 (i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital  
 48 imposed by Virginia, another state, or a foreign government shall be limited to and apply only to the portion of such income  
 49 received by the related member that owns the intangible property, which portion is attributed to a state or foreign government in  
 50 which such related member has sufficient nexus to be itself subject to such taxes; and

1 (ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to  
 2 unrelated parties shall be limited and apply to the portion of such income received by the related member that owns the intangible  
 3 property and derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements  
 4 that such related member has entered into with unrelated entities.

5 § 3-5.10 REGIONAL FUELS TAX

6 Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation  
 7 districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the  
 8 shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code  
 9 of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

10 § 3-5.11 DEDUCTION FOR ABLE ACT CONTRIBUTIONS

11 A. Effective for taxable years beginning on or after January 1, 2016, an individual shall be allowed a deduction from Virginia  
 12 adjusted gross income as defined in § 58.1-321, Code of Virginia, for the amount contributed during the taxable year to an ABLE  
 13 savings trust account entered into with the Virginia College Savings Plan pursuant to Chapter 7 ( § 23.1-700 et seq.) of Title 23.1,  
 14 Code of Virginia. The amount deducted on any individual income tax return in any taxable year shall be limited to \$2,000 per ABLE  
 15 savings trust account. No deduction shall be allowed pursuant to this section if such contributions are deducted on the contributor's  
 16 federal income tax return. If the contribution to an ABLE savings trust account exceeds \$2,000 the remainder may be carried  
 17 forward and subtracted in future taxable years until the ABLE savings trust contribution has been fully deducted; however, in no  
 18 event shall the amount deducted in any taxable year exceed \$2,000 per ABLE savings trust account.

19 B. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, Code of Virginia, any deduction taken  
 20 hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other  
 21 than (i) to pay qualified disability expenses, as defined in § 529A of the Internal Revenue Code; or (ii) the beneficiary's death.

22 C. A contributor to an ABLE savings trust account who has attained age 70 shall not be subject to the limitation that the amount of  
 23 the deduction not exceed \$2,000 per ABLE savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for  
 24 the full amount contributed to an ABLE savings trust account, less any amounts previously deducted.

25 D. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the  
 26 computation, carryover, and recapture of the deduction provided under this section. Such guidelines shall be exempt from the  
 27 provisions of the Administrative Process Act ( § 2.2-4000 et seq., Code of Virginia).

28 § 3-5.12 RETAIL SALES AND USE TAX EXEMPTION FOR RESEARCH FOR FEDERALLY FUNDED RESEARCH AND  
 29 DEVELOPMENT CENTERS

30 A. Notwithstanding any other provision of law or regulation, and beginning July 1, 2016 and ending June 30, 2018, the retail sales  
 31 and use tax exemption provided for in subdivision 5 of § 58.1-609.3 of the Code of Virginia, applicable to tangible personal property  
 32 purchased or leased for use or consumption directly and exclusively in basic research or research and development in the  
 33 experimental or laboratory sense, shall apply to such property used in a federally funded research and development center, regardless  
 34 of whether such property is used by the purchaser, lessee, or another person or entity.

35 B. Notwithstanding any other provision of law, beginning July 1, 2018, tangible personal property purchased by a federally funded  
 36 research and development center sponsored by the U.S. Department of Energy shall be exempt from the retail sales and use tax.

37 C. Nothing in this section shall be construed to relieve any federally funded research and development center of any liability for  
 38 retail sales and use tax due for the purchase of tangible personal property pursuant to the law in effect at the time of the purchase.

39 § 3-5.13 ADMISSIONS TAX

40 Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a  
 41 memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose  
 42 a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time  
 43 on or after July 1, 2015, and (ii) requires at last 75 acres of land for its operations, and (iii) such land is purchased or leased by the  
 44 entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to  
 45 any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon  
 46 which the tax authorized is imposed.

47 § 3-5.14 SUNSET DATES FOR INCOME TAX CREDITS AND SALES AND USE TAX EXEMPTIONS

48 A. Notwithstanding any other provision of law the General Assembly shall not advance the sunset date on any existing sales tax  
 49 exemption or tax credit beyond June 30, 2025. Any new sales tax exemption or tax credit enacted by the General Assembly after the  
 50 2019 regular legislative session, but prior to the 2024 regular legislative session, shall have a sunset date of not later than June 30,  
 51 2025. However, this requirement shall not apply to tax exemptions administered by the Department of Taxation under § 58.1-609.11,  
 52 relating to exemptions for nonprofit entities nor shall it apply to exemptions or tax credits with sunset dates after June 30, 2022,

1 enacted or advanced during the 2016 Session of the General Assembly, or to the Motion Picture Production Tax Credit under §  
2 58.1-439.12:03, Code of Virginia.

3 B. By November 1, 2020, the Department of Taxation shall report to every member of the General Assembly and to the Joint  
4 Subcommittee to Evaluate Tax Preferences, on the revenue impact of every sales tax exemption and tax credit scheduled to  
5 expire on or before June 30, 2025. The report shall include the prior fiscal year's state and local sales tax impact of each  
6 expiring sales tax exemption, and the prior fiscal year's general fund revenue impact of each expiring tax credit. The tax credit  
7 revenue impact analysis shall be inclusive of credits claimed against any tax imposed under Title 58.1 of the Code of Virginia.

8 C. The Department shall provide an updated revenue impact report no later than November 1, 2025, and every five years  
9 thereafter, for sales tax exemptions and tax credits set to expire within two years following the date of the report. Such reports  
10 shall be distributed to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences.

#### 11 § 3-5.15 PROVIDER COVERAGE ASSESSMENT

12 A. The Department of Medical Assistance Services (DMAS) is authorized to levy an assessment upon private acute care  
13 hospitals operating in Virginia in accordance with this Item. Private acute care hospitals operating in Virginia shall pay a  
14 coverage assessment beginning on or after October 1, 2018. For the purposes of this coverage assessment, the definition of  
15 private acute care hospitals shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's  
16 hospitals, long stay hospitals, long-term acute care hospitals and critical access hospitals.

17 B.1. The coverage assessment shall be used only to cover the non-federal share of the "full cost of expanded Medicaid  
18 coverage" for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable  
19 Care Act, including the administrative costs of collecting the coverage assessment and implementing and operating the  
20 coverage for newly eligible adults which includes the costs of administering the provisions of the Section 1115 waiver.

21 2.a. The "full cost of expanded Medicaid coverage" shall include: 1) any and all Medicaid expenditures related to individuals  
22 eligible for Medicaid pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, including  
23 any federal actions or repayments; and, 2) all administrative costs associated with providing coverage, which includes the costs  
24 of administering the provisions of the Section 1115 waiver, and collecting the coverage assessment.

25 b. The "full cost of expanded Medicaid coverage" shall be updated: 1) on November 1 of each year based on the official  
26 Medicaid forecast and latest administrative cost estimates developed by DMAS; 2) no more than 30 days after the enactment of  
27 this Act to reflect policy changes adopted by the latest session of the General Assembly; and 3) on March 1 of any year in  
28 which DMAS estimates that the most recent non-federal share of the "full cost of expanded Medicaid coverage" times 1.08 will  
29 be insufficient to pay all expenses in 2.a. for that year.

30 C.1. The "coverage assessment amount" shall equal the non-federal share of the "full cost of expanded Medicaid coverage"  
31 times 1.02.

32 2. The "coverage assessment percentage" shall be calculated quarterly by dividing (i) the "coverage assessment amount" by (ii)  
33 the total "net patient service revenue" for hospitals subject to the assessment. The coverage assessment amount used in the  
34 quarterly calculation of the "coverage assessment percentage" shall include a reconciliation of the Health Care Coverage  
35 Assessment Fund prescribed in D.1 and subtract all prior quarterly assessments paid for that fiscal year before dividing the  
36 remainder by the remaining quarters in the fiscal year.

37 3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information  
38 (VHI) "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount  
39 shall be the assessment basis for the following fiscal year.

40 4. Each hospital's coverage assessment amount shall be calculated by multiplying the quarterly "coverage assessment  
41 percentage" times each hospital's net patient service revenue.

42 D.1. DMAS shall, at a minimum, update the "coverage assessment amount" whenever the "full cost of expanded Medicaid  
43 coverage" is updated in section B.2.b or to ensure amounts are sufficient to cover the full cost of expanded Medicaid coverage  
44 based on the latest estimate. Hospitals shall be given no less than 15 days' notice prior to the beginning of the quarter with  
45 associated calculations supporting the change in its coverage assessment amount. Prior to any change to the coverage  
46 assessment amount, DMAS shall perform and incorporate a reconciliation of the Health Care Coverage Assessment Fund  
47 through the most recent complete quarter. Any estimated excess or shortfall of revenue shall be deducted from or added to the  
48 "coverage assessment amount."

49 2. DMAS shall be responsible for collecting the coverage assessment amount. Hospitals subject to the coverage assessment  
50 shall make quarterly payments due no later than July 1, October 1, January 1 and April 1 of each state fiscal year.

51 3. Hospitals that fail to make the coverage assessment payments within 30 days of the due date shall incur a five percent  
52 penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid coverage assessment or penalty will be considered  
53 a debt to the Commonwealth and DMAS is authorized to recover it as such.

1 E. DMAS shall submit a report, due September 1 of each year, to the Director, Department of Planning and Budget and Chairmen of  
 2 the House Appropriations and Senate Finance Committees, and the Virginia Hospital and Healthcare Association. The report shall  
 3 include, for the most recently completed fiscal year, the revenue collected from the coverage assessment, expenditures for purposes  
 4 authorized by this Item, and the year-end coverage assessment balance in the Health Care Coverage Assessment Fund. The report  
 5 shall also include a complete and itemized listing of all administrative costs included in the coverage assessment.

6 F. All revenue from the coverage assessment excluding penalties, shall be deposited into the Health Care Coverage Assessment  
 7 Fund. Proceeds from the coverage assessment, excluding penalties, shall not be used for any other purpose than to cover the non-  
 8 federal share of the full cost of expanded Medicaid coverage. Notwithstanding any other provision of law, the net state share of any  
 9 prior year recovery of Medicaid expansion costs that were paid with coverage assessment revenue shall be deposited into the Health  
 10 Care Coverage Assessment Fund.

11 G. Any provision of this Item is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

12 H. The Hospital Payment Policy Advisory Council shall meet to consider the implementation and provisions of the Provider  
 13 Coverage and Payment Rate Assessments in order to consider and make recommendations to ensure the collection and use of such  
 14 funds are appropriate and consistent with the intent of the General Assembly. Specifically, the Council shall consider the level of  
 15 detail and format necessary to develop the report pursuant to paragraph E. The Council shall recommend a format and associated  
 16 level of detail, to be included in the report to the Joint Subcommittee for Health and Human Resources Oversight. The Joint  
 17 Subcommittee shall approve the final format and associated level of detail of the report to be submitted by the Department of  
 18 Medical Assistance Services.

19 § 3-5.16 PROVIDER PAYMENT RATE ASSESSMENT

20 A. The Department of Medical Assistance Services (DMAS) is hereby authorized to levy a payment rate assessment upon private  
 21 acute care hospitals operating in Virginia in accordance with this item. Private acute care hospitals operating in Virginia shall pay a  
 22 payment rate assessment beginning on or after October 1, 2018 when all necessary state plan amendments are approved by the  
 23 Centers for Medicare and Medicaid Services (CMS). For purposes of this assessment, the definition of private acute care hospitals  
 24 shall exclude public hospitals, freestanding psychiatric and rehabilitation hospitals, children's hospitals, long stay hospitals, long-  
 25 term acute care hospitals and critical access hospitals.

26 B. Proceeds from the payment rate assessment shall be used to (i) fund an increase in inpatient and outpatient payment rates paid to  
 27 private acute care hospitals operating in Virginia up to the "upper payment limit gap"; and (ii) fill the "managed care organization  
 28 hospital payment gap" for care provided to recipients of medical assistance services. Payments made under the provisions i and ii of  
 29 this paragraph shall be referred to as "private acute care hospital enhanced payments".

30 C.1. The Department of Medical Assistance Services (DMAS) shall calculate each hospital's "payment rate assessment amount" by  
 31 multiplying the "payment rate assessment percentage" times "net patient service revenue" as defined below.

32 2. The "payment rate assessment percentage" for hospitals shall be calculated as (i) the non-federal share of funding the "private  
 33 acute care hospitals enhanced payments" divided by (ii) the total "net patient service revenue" for hospitals subject to the  
 34 assessment.

35 3. Each hospital's "net patient service revenue" equals the amount reported in the most recent Virginia Health Information (VHI)  
 36 "Hospital Detail Report." Hospitals shall certify that the net patient service revenue is hospital revenue and this amount shall be the  
 37 assessment basis for the following fiscal year.

38 D. DMAS is authorized to update the payment rate assessment amount and payment rate assessment percentage on a quarterly basis  
 39 to ensure amounts are sufficient to cover the non-federal share of the full cost of the private acute care hospital enhanced payments  
 40 based on the department's quarterly claims and encounter data. Hospitals shall be given no less than 15 days prior notice of the new  
 41 assessment amount and be provided with calculations. Prior to any change to the payment rate assessment amount, DMAS shall  
 42 perform and incorporate a reconciliation of the Health Care Provider Payment Rate Assessment Fund. Any estimated excess or  
 43 shortfall of revenue since the previous reconciliation shall be deducted from or added to the calculation of the private acute care  
 44 hospital enhanced payments.

45 E.1. The "upper payment limit" means the limit on payment for inpatient services for recipients of medical assistance established in  
 46 accordance with 42 C.F.R. § 447.272 and outpatient services for recipients of medical assistance pursuant to 42 C.F.R. § 447.321 for  
 47 private hospitals. DMAS shall complete a calculation of the "upper payment limit" for each state fiscal year with a detailed analysis  
 48 of how it was determined. The "upper payment limit payment gap" means the difference between the amount of the private hospital  
 49 upper payment limit and the amount otherwise paid pursuant to the state plan for inpatient and outpatient services. The "managed  
 50 care organization hospital payment gap" means the difference between the amount included in the capitation rates for inpatient and  
 51 outpatient services based on historical paid claims and the amount that would be included when the projected hospital services  
 52 furnished by private acute care hospitals operating in Virginia are priced for the contract year equivalent to the maximum managed  
 53 care directed payment amount as allowed by CMS subject to CMS approval under 42 C.F.R. section 438.6(c). As part of the  
 54 development of the managed care capitation rates, the DMAS shall calculate a "Medicaid managed care organization (MCO)

1 supplemental hospital capitation payment adjustment". This is a distinct additional amount that shall be added to Medicaid  
 2 MCO capitation rates to fund supplemental payments under this section to private acute care hospitals operating in Virginia for  
 3 services to Medicaid recipients.

4 2. DMAS shall contractually direct Medicaid MCOs to disburse supplemental hospital capitation payment funds consistent with  
 5 this section and 42 C.F.R. § 438.6(c), to ensure that all such funds are disbursed to private acute care hospitals operating in  
 6 Virginia. In addition, DMAS shall contractually prohibit MCOs from making reductions to or supplanting hospital payments  
 7 otherwise paid by MCOs.

8 3. DMAS shall make available quarterly a report of the additional capitation payments that are made to each MCO pursuant to  
 9 this item. Further, DMAS shall consider recommendations of the Medicaid Hospital Payment Policy and Advisory Council in  
 10 designing and implementing the specific elements of the payment rate assessment and private acute care hospital supplemental  
 11 payment program authorized by this item.

12 F.1. DMAS shall be responsible for collecting the payment rate assessment amount. Hospitals subject to the payment rate  
 13 assessment shall make quarterly payments due no later than August 15, November 15, February 15 and May 15 of each state  
 14 fiscal year.

15 2. Hospitals that fail to make the payment rate assessment payments on or before the due date in subsection F.1. shall incur a  
 16 five percent penalty that shall be deposited in the Virginia Health Care Fund. Any unpaid payment assessment or penalty will  
 17 be considered a debt to the Commonwealth and DMAS is authorized to recover it as such.

18 G. DMAS shall submit a report due September 1 of each year to the Director, Department of Planning and Budget and  
 19 Chairmen of the House Appropriations and Senate Finance Committees. The report shall include, for the most recently  
 20 completed fiscal year, the revenue collected from the payment rate assessment, expenditures for purposes authorized by this  
 21 item, and the year-end assessment balance in the Health Care Provider Payment Rate Assessment Fund.

22 H. All revenue from the payment rate assessment shall be deposited into the Health Care Provider Payment Rate Assessment  
 23 Fund, a special non-reverting fund in the state treasury. Proceeds from the payment rate assessment, excluding penalties, shall  
 24 not be used for any other purpose than to fund (i) an increase in inpatient and outpatient payment rates paid to private acute care  
 25 hospitals operating in Virginia up to the private hospital "upper payment limit" and "managed care organization hospital  
 26 payment gap" for care provided to recipients of medical assistance services, and (ii) the administrative costs of collecting the  
 27 assessment and of implementing and operating the associated payment rate actions.

28 I. Any provision of this Section is contingent upon approval by the Centers for Medicare and Medicaid Services if necessary.

#### 29 § 3-5.17 TOBACCO TAX STUDY

30 The Joint Subcommittee to Evaluate Tax Preferences is hereby directed to continue studying options for the modernization of §  
 31 [58.1-1001\(A\)](#), Code of Virginia, to reflect advances in science and technology in the area of tobacco harm reduction, and the  
 32 role innovative non-combustible tobacco products can play in reducing harm, including products that produce vapor or aerosol  
 33 from heating tobacco or liquid nicotine. In addition, the Joint Subcommittee shall study possible reforms to the taxation of  
 34 tobacco products that will provide fairness and equity for all local governments and also ensure stable tax revenues for the  
 35 Commonwealth. The Joint Subcommittee shall complete its study and submit a final report with recommended reforms to the  
 36 Finance Committees of the Virginia Senate and Virginia House of Delegates. All agencies of the Commonwealth shall provide  
 37 assistance for this study, upon request.

#### 38 §3-5.18 HISTORIC PRESERVATION TAX CREDIT

39 Notwithstanding § [58.1-339.2](#) or any other provision of law, effective for taxable years beginning on and after January 1, 2017,  
 40 the amount of the Historic Rehabilitation Tax Credit that may be claimed by each taxpayer, including amounts carried over  
 41 from prior taxable years, shall not exceed \$5 million for any taxable year.

#### 42 § 3-5.19 LAND PRESERVATION TAX CREDIT CLAIMED

43 Notwithstanding § [58.1-512](#) or any other provision of law, effective for the taxable year beginning on and after January 1,  
 44 2017, but before January 1, 2023, the amount of the Land Preservation Tax Credit that may be claimed by each taxpayer,  
 45 including amounts carried over from prior taxable years, shall not exceed \$20,000.

#### 46 § 3-5.20 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

47 Notwithstanding any other provision of law or regulation, in order to be eligible to receive an allocation of credits pursuant to §  
 48 [58.1-439.20:1](#), Code of Virginia, at least 50 percent of the persons served by the neighborhood organization, either directly by  
 49 the neighborhood organization or through the provision of revenues to other organizations or groups serving such persons, shall  
 50 be low-income persons or eligible students with disabilities and at least 50 percent of the neighborhood organization's revenues  
 51 shall be used to provide services to low-income persons or to eligible students with disabilities, either directly by the  
 52 neighborhood organization or through the provision of revenues to other organizations or groups providing such services. A tax

1 credit shall be issued by the Superintendent of Public Instruction or the Commissioner of Social Services to an individual only upon  
 2 receipt of a certification made by a neighborhood organization to whom tax credits were allocated for an approved program pursuant  
 3 to § 58.1-439.20, § 58.1-439.20:1 or this language.

4 § 3-5.21 CIGARETTE TAX, TOBACCO PRODUCTS TAX AND TAX ON LIQUID NICOTINE

5 A. Notwithstanding any other provision of law, the cigarette tax imposed under subsection A of § 58.1-1001 of the Code of Virginia  
 6 shall be 3.0 cents on each cigarette sold, stored or received on and after July 1, 2020.

7 B. Notwithstanding any other provision of law, the rates of the tobacco products tax imposed under § 58.1-1021.02 of the Code of  
 8 Virginia in effect on June 30, 2020 shall be doubled beginning July 1, 2020 for taxable sales or purchases occurring on and after  
 9 such date.

10 C. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall  
 11 be imposed on liquid nicotine at the rate of \$0.066 per milliliter beginning July 1, 2020 for taxable sales or purchases occurring on  
 12 and after such date.

13 D. Notwithstanding any other provision of law, the tobacco products tax imposed under § 58.1-1021.02 of the Code of Virginia shall  
 14 be imposed on any heated tobacco product at the rate of 2.25 cents per stick beginning January 1, 2021 for taxable sales or purchases  
 15 occurring on and after such date.

16 E. The Tax Commissioner shall establish guidelines and rules for (i) transitional procedures in regard to the increase in the cigarette  
 17 tax, (ii) implementation of the increased tobacco products tax rates, and (iii) implementation of the tobacco products tax on liquid  
 18 nicotine pursuant to the provisions of this act. The development of such guidelines and rules by the Tax Commissioner shall be  
 19 exempt from the provisions of the Administrative Process Act (Code of Virginia § 2.2-4000 et seq.)

20 F. Notwithstanding any other provision of law, beginning January 1, 2021, for the purposes of the Tobacco Products Tax, a  
 21 Distributor, as defined in § 58.1-1021.01, shall be deemed to have sufficient activity within the Commonwealth to require  
 22 registration under § 58.1-1021.04:1, if such distributor:

23 1. Receives more than \$100,000 in gross revenue, or other minimum amount as may be required by federal law, from sales of  
 24 tobacco products in the Commonwealth in the previous or current calendar year, provided that in determining the amount of a  
 25 dealer's gross revenues, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be  
 26 aggregated; or

27 2. Engages in 200 or more separate tobacco products sales transactions, or other minimum amount as may be required by federal  
 28 law, in the Commonwealth in the previous or current calendar year, provided that in determining the total number of a dealer's retail  
 29 sales transactions, the sales made by all commonly controlled persons as defined in subsection D of § 58.1-612 shall be aggregated.

30 § 3-5.22 CORONAVIRUS DISEASE 2019 ADMINISTRATIVE TAX RELIEF

31 A. Any income tax payments originally due during the period from April 1, 2020 to June 1, 2020 may be submitted to the  
 32 Department of Taxation without the accrual of interest as would otherwise be required for late payments pursuant to Chapter 3 of  
 33 Title 58.1, provided that full payment is made on or before June 1, 2020. For purposes of this section, "income tax payment" means  
 34 any payment required to be made with a return filed pursuant to §§ 58.1-341, 58.1-381, and 58.1-441; any payment required to be  
 35 made with respect to an election to file an extension of time within which to file such a return; any payment of estimated tax  
 36 required pursuant to Article 19 and Article 20 of Chapter 3 of Title 58.1; and any payment of consumer use tax made with a return  
 37 filed pursuant to § 58.1-341.

38 B. The Department shall waive interest as otherwise required for late payments pursuant to Chapter 6 of Title 58.1 on any sales tax  
 39 payment originally due March 20, 2020 for which a waiver of penalty was granted by the Department of Taxation, provided that  
 40 such payment is submitted to the Department of Taxation on or before April 20, 2020.

41 § 3-5.23 CORPORATE INCOME TAX INFORMATIONAL REPORTING

42 A.1. Corporations that are members of a unitary business must file a report, in a manner prescribed by the Tax Commissioner, for  
 43 the unitary combined group containing the unitary combined net income of such group. The report shall be based on taxable year  
 44 2019 computations and include, at a minimum the difference in tax owed as a result of filing a unitary combined report, computed  
 45 according to the method or methods specified by the Tax Commissioner, compared to the tax owed under the current filing  
 46 requirements.

47 2. "Unitary business" means a single economic enterprise made up either of separate parts of a single business entity or of a  
 48 commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their  
 49 activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant  
 50 flow of value to the separate parts. A "unitary business" includes that part of the business that meets the definition in this section and  
 51 is conducted by a taxpayer through the taxpayer's interest in a partnership, whether the interest in that partnership is held directly or  
 52 indirectly through a series of partnerships or other pass-through entities. A "unitary business" shall not include persons subject to, or



1 that would be subject to if doing business in the Commonwealth, the insurance premiums license tax under Chapter 25 (§ 58.1-  
2 2500 et seq.), Code of Virginia, or the bank franchise tax under Chapter 12 (§ 58.1-1200 et seq.)

3 3. The report must be submitted to the Department of Taxation on or before July 1, 2021, which date shall not be extended.

4 4. Members of a unitary combined group shall exclude as a member and disregard the income and apportionment factors of any  
5 corporation incorporated in a foreign jurisdiction (a "foreign corporation") if the average of its property, payroll and sales  
6 factors outside the United States is eighty percent (80%) or more. If a foreign corporation is includible as a member in the  
7 unitary combined group, to the extent that such foreign corporation's income is subject to the provisions of a federal income tax  
8 treaty, such income is not includible in the unitary combined group net income. Such member shall also not include in the  
9 unitary combined report any expenses or apportionment factors attributable to income that is subject to the provisions of a  
10 federal income tax treaty. For purposes of this paragraph, "federal income tax treaty" means a comprehensive income tax treaty  
11 between the United States and a foreign jurisdiction, other than a foreign jurisdiction which the organization for economic co-  
12 operation and development has determined has not committed to the internationally agreed tax standard, or has committed to  
13 the international agreed tax standard but has not yet substantially implemented that standard, as identified in the then-current  
14 organization for economic co-operation and development progress report.

15 B. The Tax Commissioner shall on or before December 1, 2021, based on the information provided in income tax returns and  
16 the data submitted under this section, submit a report to the Chair of the Senate Finance and Appropriations Committee, the  
17 Chair of the House Appropriations Committee, and the Chair of the House Finance Committee.

18 § 3-5.24 INDIVIDUAL INCOME TAX REBATE

19 *In addition to any refund due pursuant to § 58.1-309 of the Code of Virginia, and for taxable years beginning on and after*  
20 *January 1, 2021, but before January 1, 2022, an individual filing a return on or before November 1, 2022 or married persons*  
21 *filing a joint return on or before November 1, 2022 shall be issued a refund in an amount up to \$250 for an individual, or \$500*  
22 *for married persons filing a joint return. An individual shall only be allowed a refund pursuant to this enactment up to the*  
23 *amount of such individual's tax liability after the application of any deductions, subtractions, or credits to which the individual*  
24 *is entitled pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia. Married persons filing a joint return*  
25 *shall only be allowed a refund pursuant to this enactment up to the amount of such married persons' tax liability after the*  
26 *application of any deductions, subtractions, or credits to which the married persons are entitled pursuant to Chapter 3 of Title*  
27 *58.1 of the Code of Virginia. Any refund issued pursuant to this enactment shall be subject to collection under the provisions of*  
28 *the Setoff Debt Collection Act (§ 58.1-520 et seq. of the Code of Virginia). For taxpayers filing a return before July 1, 2022,*  
29 *refunds due pursuant to this enactment shall be issued on or after July 1, 2022 but before October 17, 2022. For taxpayers*  
30 *filing a return on or after July 1, 2022, refunds due pursuant to this enactment shall be issued on or after July 1, 2022 but no*  
31 *later than 4 months after such return is filed. In no case shall any interest be paid on any refund due pursuant to this*  
32 *enactment.*

33 § 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

34 § 3-6.01 RECORDATION TAX FEE

35 There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§  
36 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55.1-345, Code of  
37 Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated  
38 from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of  
39 the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this  
40 subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1-2128.1, Code  
41 of Virginia.

42 § 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

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

45 § 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

46 A. Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center  
47 Fund shall be \$100.

48 B. Notwithstanding the provisions of § 46.2-395 of the Code of Virginia, no court shall suspend any person's privilege to drive  
49 a motor vehicle solely for failure to pay any fines, court costs, forfeitures, restitution, or penalties assessed against such person.  
50 The Commissioner of the Department of Motor Vehicles shall reinstate a person's privilege to drive a motor vehicle that was  
51 suspended prior to July 1, 2019, solely pursuant to § 46.2-395 of the Code of Virginia and shall waive all fees relating to  
52 reinstating such person's driving privileges including those paid to the Trauma Center Fund. Nothing herein shall require the  
53 Commissioner to reinstate a person's driving privileges if such privileges have been otherwise lawfully suspended or revoked or

1 if such person is otherwise ineligible for a driver's license.

2 § 3-6.04 ASSESSMENT OF ELECTRONIC SUMMONS FEE BY LOCALITIES

3 Nothing in § 17.1-279.1 of the Code of Virginia shall be construed to authorize any county, city, or town to assess the sum set forth  
4 therein upon any summons issued by a law-enforcement agency of the Commonwealth.

5 § 3-6.05 PROCEDURES FOR PREPAYMENT OF CIVIL PENALTIES IN AN EXECUTIVE ORDER

6 Any civil penalty under § 44-146.17(1) shall be prepayable in the amount set by executive order and in accordance with § 16.1-  
7 69.40:2 B of the Code of Virginia. Any civil penalty amount set by executive order shall not be construed or interpreted so as to  
8 limit the discretion of any trial judge trying individual cases at the time fixed for trial.

**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.

e. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia) shall not apply to grants made in support of the 2019 Commemoration to non-profit entities organized under § 501 (c)(3) of the Internal Revenue Code.

f. 1. The State Council of Higher Education for Virginia shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations by August 1, 2017. The policy shall:

a) Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

b) Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and

c) Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

2. The Council and each public institution of higher education shall make the policy available to the public on its website.

g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia, or any joint meeting of such entities, may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.

1 h. Notwithstanding § 2.2-1510 B., Code of Virginia, the Chairs of the House Appropriations and Senate Finance and Appropriations  
 2 Committees, during a state of emergency as declared by the Governor, shall hold at least one, but up to four, public hearings, on the  
 3 budget bill the Governor submits for the 2021 Regular Session and may hold such hearings through electronic means, if deemed  
 4 necessary, to ensure the safety of all participants

#### 5 § 4-1.00 APPROPRIATIONS

##### 6 § 4-1.01 PREREQUISITES FOR PAYMENT

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

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

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

##### 20 § 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

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

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

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

32 c. Increased Nongeneral Fund Revenue:

33 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by  
 34 the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget  
 35 was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in  
 36 an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general  
 37 programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher  
 38 education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct  
 39 costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the  
 40 Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and  
 41 mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

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

47 d. Reduced General Fund Resources:

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

51 2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund  
 52 appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold

- 1 general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the  
2 estimated general fund resources available.
- 3 3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current  
4 fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared  
5 within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of  
6 general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance  
7 Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.
- 8 4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the  
9 Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to  
10 the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.
- 11 b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller  
12 shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes  
13 for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget  
14 estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income  
15 taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the  
16 official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund  
17 revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the  
18 Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following  
19 the close of the fiscal year.
- 20 5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved  
21 by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House  
22 Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be  
23 submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of  
24 appropriations.
- 25 b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state  
26 agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the  
27 Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via  
28 electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget  
29 reduction plan.
- 30 6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:
- 31 a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of  
32 any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate  
33 agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House  
34 Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger  
35 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  
36 appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be  
37 made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining  
38 appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different  
39 payment schedule.
- 40 b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies  
41 and its authorities, or for payment of a legally authorized deficit.
- 42 c) The payments for care of graves of Confederate and historical African American dead.
- 43 d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement  
44 System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System,  
45 Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional  
46 Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life  
47 insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees  
48 and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower  
49 than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is  
50 lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and  
51 employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-  
52 supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General  
53 Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary  
54 billing cycles that have been established by law or policy by the governing board.
- 55 e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

- 1 f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.
- 2 g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for  
3 payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the  
4 Executive Department.
- 5 h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting  
6 revenues for such appropriation are estimated to be insufficient to pay the appropriation.
- 7 7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on  
8 an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the  
9 maximum of 15 percent, as prescribed in subdivision 6a of this subsection.
- 10 8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the  
11 appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund  
12 appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations;  
13 however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of  
14 reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in  
15 accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance,  
16 House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined  
17 as Highway Maintenance and Operating Fund and Transportation Trust Fund.
- 18 9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year  
19 of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to  
20 the following:
- 21 a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal  
22 emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer  
23 within five calendar days of the transfer;
- 24 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  
25 Virginia, debt service funds, or federal funds; and
- 26 c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount  
27 transferred from each account or fund and recommendations for restoring such amounts.
- 28 10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority  
29 withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees  
30 within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.
- 31 11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected  
32 general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall  
33 be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

#### 34 § 4-1.03 APPROPRIATION TRANSFERS

##### 35 GENERAL

- 36 a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or  
37 other agency to another, to effect the following:
- 38 1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in  
39 accordance with specific language in the central appropriation establishing reversion clearing accounts;
- 40 2) distribution of pass-through grants or other funds held by an agency as fiscal agent;
- 41 3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House  
42 Appropriations and Senate Finance Committees;
- 43 4) proper accounting between fund sources 0100 and 0300 in higher education institutions;
- 44 5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;
- 45 6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or
- 46 7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant  
47 to a signed agreement between the respective agencies.

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

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

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

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

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

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

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

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

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

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

32 e) continue a program at the present level of service or at an increased level of service when required to address unanticipated  
 33 increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

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

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

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

43 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  
 44 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  
 45 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  
 46 distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director,  
 47 Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from  
 48 one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

49 § 4-1.04 APPROPRIATION INCREASES

50 a. UNAPPROPRIATED NONGENERAL FUNDS:

1 1. Sale of Surplus Materials:

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

4 2. Insurance Recovery:

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

8 3. Gifts, Grants and Other Nongeneral Funds:

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

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

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

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

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

21 5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in  
22 appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of  
23 their acceptance; or

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

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

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

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

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

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

32 d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director,  
33 Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which  
34 it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§  
35 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

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

38 4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the  
39 fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of  
40 Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia  
41 Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate  
42 use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions  
43 available to the public via electronic means no less than ten business days following the approval of the appropriation of any such  
44 balance.

45 5. Reporting:

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



1 b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

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

7 § 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

8 a. GENERAL FUND OPERATING EXPENSE:

9 1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of  
 10 the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of  
 11 Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable,  
 12 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  
 13 incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund  
 14 appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of  
 15 higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium  
 16 or the last day of the first year of the current biennium shall revert to the general fund.

17 b) General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent  
 18 Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund  
 19 appropriations shall also be reappropriated for institutions of higher education, subject to § 23.1-1002, Code of Virginia.

20 c) To improve the stability in institutional planning and predictability for students and families to prepare for the cost of higher  
 21 education, public higher education institutions are encouraged to employ the financial management strategy of establishing an  
 22 institutional reserve fund supported by any unexpended education and general appropriations of the institution at the end of the  
 23 fiscal year. The establishment of such a fund is designed to foster more long-term planning, promote efficient resource  
 24 utilization and reduce the need for substantial year-to-year increases in tuition, thereby increasing affordability for Virginians.  
 25 Independent of the provisions of § 23.1-1001, institutions are authorized to carry over education and general unexpended  
 26 balances to establish and maintain a reserve fund in an amount not to exceed six percent of their general fund appropriation for  
 27 educational and general programs in the most recently-completed fiscal year. Any use of the reserve fund shall be approved by  
 28 the Board of Visitors of the affected institution, and the institution shall immediately report the details of the approved plan for  
 29 use of the reserve fund to the Governor, the Secretary of Education, the Secretary of Finance and the Chairmen of the House  
 30 Appropriations and Senate Finance Committees. Any reserve fund shall be subject to the provisions of § 23.1-1303.B.11.

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

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

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

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

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

46 b. NONGENERAL FUND OPERATING EXPENSE:

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

52 c. CAPITAL PROJECTS:

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

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

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

#### 16 § 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

##### 17 a. LIMITED CONTINUATION OF APPROPRIATIONS.

18 Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of  
 19 the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in  
 20 order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such  
 21 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  
 22 previous biennium, against such unexpended balances.

##### 23 b. LIMITATIONS ON CASH DISBURSEMENTS.

24 Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for  
 25 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  
 26 transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency  
 27 arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State  
 28 Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against  
 29 appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This  
 30 provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond  
 31 documents, trust indentures, and/or escrow agreements.

#### 32 § 4-1.07 ALLOTMENTS

33 Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-  
 34 1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall  
 35 prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations  
 36 for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the  
 37 Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the  
 38 Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

### 39 § 4-2.00 REVENUES

#### 40 § 4-2.01 NONGENERAL FUND REVENUES

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

42 1. a) No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except  
 43 under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that  
 44 donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as  
 45 library items or small display items, may be approved by the Executive Director of the Virginia War Memorial in consultation with  
 46 the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation  
 47 must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

48 b) The limits on solicitation and acceptance of donations, gifts, grants, and contracts stated in paragraph 1.a) above shall not apply to  
 49 donations, gifts, grants, and contracts associated with support and/or response to the needs and impacts of the COVID-19 pandemic  
 50 provided that acceptance of such does not create any ongoing commitments against general or nongeneral fund resources of the  
 51 Commonwealth.

52 2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary

1 donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this  
 2 act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment  
 3 funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a  
 4 separately incorporated foundation or corporation.

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

8 4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs,  
 9 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

10 5. Notwithstanding any other provision of law, public institutions of higher education may enter into agreements or contracts  
 11 with nonprofit organizations that provide funding for research or other mission related activities and require use of binding  
 12 arbitration or application of the laws of another jurisdiction, upon approval of the Office of the Attorney General.

### 13 b. HIGHER EDUCATION TUITION AND FEES

14 1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of  
 15 Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of  
 16 higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in  
 17 accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the  
 18 appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment  
 19 funds, or income derived from endowments and gifts.

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

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

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

34 d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion  
 35 of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent, unless: i)  
 36 such enrollment is intended to support workforce development needs within the Commonwealth of Virginia as identified in  
 37 consultation with the Virginia Economic Development Partnership, and ii) the number of in-state undergraduate students does  
 38 not drop below fall 2018 full-time equivalent census levels as certified by the State Council of Higher Education for Virginia.  
 39 Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt  
 40 from this restriction. Any such increases shall be limited to no more than a one percentage point increase over the prior year.

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

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

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

- 1 b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations  
2 and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required  
3 fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia  
4 shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at  
5 institutions outside of the Commonwealth.
- 6 c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts  
7 of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the  
8 institutions of higher education.
- 9 d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly,  
10 Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 144 and 145 of the 2019 Acts of Assembly, each institution shall  
11 work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition  
12 and fee estimates for tuition savings plans.
- 13 5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its  
14 educational and general program closely approximate the anticipated annual budget each fiscal year.
- 15 6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and  
16 paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.
- 17 7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education  
18 includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction  
19 of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of  
20 Virginia Educational Facilities Bond Act of 2002.
- 21 8. a) 1) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of  
22 Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly,  
23 mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond  
24 three percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly.  
25 Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision,  
26 provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations  
27 and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.
- 28 2) The University of Mary Washington is hereby authorized to undertake a review of its tuition and fee structure for the purpose of  
29 more closely aligning auxiliary fees, including room, board, and the comprehensive fee, with auxiliary expenditure budgets.  
30 Adjustments to mandatory fees in auxiliary programs may exceed three percent subject to annual approval by the University's Board  
31 of Visitors to the extent required to effect budgetary alignment of revenues and expenditures. This exemption will be limited to the  
32 period beginning in fiscal year 2019-20 and extending through the end of fiscal year 2023-24.
- 33 b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the  
34 General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General  
35 Assembly.
- 36 c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community  
37 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  
38 approval by the State Board for Community Colleges.
- 39 9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of  
40 Virginia must absorb the cost of any discretionary waivers.
- 41 10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional  
42 Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those  
43 students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.
- 44 c. HIGHER EDUCATION PLANNED EXCESS REVENUES:
- 45 An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of  
46 Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters  
47 124 and 125 of the 2019 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01  
48 b Higher Education Tuition and Fees, subject to the following:
- 49 1. Such revenues are identified by language in the appropriations in this act to any such institution.
- 50 2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.
- 51 3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the

1 basis for funding in subsequent biennia.

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

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

6 § 4-2.02 GENERAL FUND REVENUE

7 a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

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

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

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

12 2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.

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

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

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

17 6) Revenue payable to the Oyster Leasing Conservation and Replenishment Programs Fund.

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

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

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

25 d) Secretary of the Commonwealth, from all sources.

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

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

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

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

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

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

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

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

39 l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the  
40 general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the  
41 Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections and Juvenile Justice for work  
42 performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these  
43 inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3)  
44 payments to the Departments of Corrections and Juvenile Justice for work performed by inmates in educational programs shall

1 be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon  
2 release.

3 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  
4 materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of  
5 the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act,  
6 sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize  
7 similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally  
8 acquired with general fund appropriations, unless the General Assembly provides otherwise.

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

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

13 Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code  
14 of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest,  
15 required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of  
16 Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required  
17 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  
18 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  
19 generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the  
20 general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

21 c. DATE OF RECEIPT OF REVENUES:

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

25 d. RECOVERIES BY THE OFFICE OF THE ATTORNEY GENERAL

26 1. As a condition of the appropriation for Item 59 of this Act, there is hereby created the Disbursement Review Committee (the  
27 "Committee"), the members of which are the Attorney General, who shall serve as chairman; two members of the House of  
28 Delegates appointed by the Speaker of the House; two members of the Senate appointed by the Chairman of the Senate Committee  
29 on Rules; and two members appointed by the Governor.

30 2. Whenever forfeitures are available for distribution by the Attorney General through programs overseen by either the U.S.  
31 Department of Justice Asset Forfeiture Program or the U.S. Treasury Executive Office for Asset Forfeiture, by virtue of the Attorney  
32 General's participation on behalf of the Commonwealth or on behalf of an agency of the Commonwealth, the Attorney General shall  
33 seek input from the Committee, to the extent permissible under applicable federal law and guidelines, for the preparation of a  
34 proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both. If a federal entity must  
35 approve the Plan for such distribution or use, or both, and does not approve the Plan submitted by the Attorney General, the Plan  
36 may be revised if deemed appropriate and resubmitted to the federal entity for approval following notification of the Committee. If  
37 the federal entity approves the original Plan or a revised Plan, the Attorney General shall inform the Committee, and ensure that such  
38 money or property, or both, is distributed or used, or both, in a manner that is consistent with the Plan approved by the federal entity.  
39 The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller and consistent  
40 with any federal authorization in order to ensure proper accounting on the books of the Commonwealth.

41 § 4-2.03 INDIRECT COSTS

42 a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

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

45 b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

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

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

50 2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of  
51 Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess

1 indirect cost recovery. Such increase shall be made in the program incurring the costs.

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

5 c. INSTITUTIONS OF HIGHER EDUCATION:

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

7 1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of  
8 research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued  
9 by or for the institution pursuant to § 23.1-1106, Code of Virginia, for any appropriate purpose of the institution, including, but  
10 not limited to, the conduct and enhancement of research and research-related requirements.

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

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

17 d. REPORTS

18 The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the  
19 Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect  
20 cost recovery moneys administratively appropriated.

21 e. REGULATIONS:

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

24 **§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS**

25 § 4-3.01 DEFICITS

26 a. GENERAL:

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

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

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

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

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

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

38 3. Deficits shall not be authorized for capital projects.

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

45 b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an  
46 unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further,  
47 there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any

1 appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who  
 2 shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be  
 3 personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of  
 4 neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such  
 5 unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in  
 6 the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of  
 7 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  
 8 becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of  
 9 such notification.

10 c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during  
 11 the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or  
 12 other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half  
 13 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  
 14 during the last year of the previous biennium and the first year of the current biennium.

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

#### 18 § 4-3.02 TREASURY LOANS

19 a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the  
 20 Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the  
 21 deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the  
 22 provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms  
 23 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  
 24 unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of  
 25 the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which  
 26 require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of  
 27 the House Appropriations and the Senate Finance Committees within five calendar days of approval.

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

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

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

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

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

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

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

49 6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation  
 50 loans made for operating purposes and capital projects subject to the following:

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

53 b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made



1 from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from  
2 the proceeds of authorized debt without the approval of the State Treasurer.

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

6 c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED  
7 UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under §  
8 4-4.01 m are limited to the provisions below:

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

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

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

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

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

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

29 6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under  
30 § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be  
31 made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan  
32 without the approval of the Director of the Department of Planning and Budget.

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

### 36 § 4-3.03 LONG-TERM LEASES

#### 37 a. GENERAL:

38 1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects  
39 that may qualify as long-term lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may  
40 be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the  
41 Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer  
42 based on guidelines promulgated by the Secretary of Finance. In addition, the Secretary of Finance may promulgate guidelines  
43 for the review and approval of such requests.

44 2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director,  
45 Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as long-term lease  
46 agreements. The State Treasurer shall be responsible for incorporating existing and authorized long-term lease agreements  
47 meeting the approved parameters into the annual Debt Capacity Advisory Committee reports.

#### 48 b. APPROVAL OF FINANCINGS:

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

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

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

d. This section shall not apply to long-term leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into long-term leases for executive branch agencies provided that the resulting long-term lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

#### § 4-4.00 CAPITAL PROJECTS

##### § 4-4.01 GENERAL

###### a. Definition:

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

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

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

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.2-1010, Code of Virginia.

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

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

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 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.

3. 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 annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency 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 maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. 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 make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested

- 1 change on affected agencies and institutions.
- 2 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  
3 Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and  
4 procurement activities.
- 5 f. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph  
6 m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be  
7 pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-  
8 1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:
- 9 1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and
- 10 2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in  
11 cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing  
12 facilities.
- 13 3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the  
14 central appropriations for capital project expenses in this act.
- 15 g. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to  
16 this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or  
17 is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need  
18 for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and  
19 specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for  
20 the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or  
21 construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project  
22 conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a  
23 program approved by the General Assembly.
- 24 h. Initiation Generally:
- 25 1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or  
26 revised without the prior written approval of the Governor or his designee.
- 27 2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project,  
28 provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project  
29 made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report  
30 required by § 10.1-1188, Code of Virginia.
- 31 3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made  
32 pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects  
33 and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed  
34 the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the  
35 preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing,  
36 where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen  
37 conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made,  
38 and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees  
39 based on costs exceeding the appropriation.
- 40 4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or  
41 activity.
- 42 i. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii)  
43 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall  
44 be reviewed as follows:
- 45 1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general  
46 obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in  
47 accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial  
48 feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution,  
49 the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher  
50 Education for Virginia, if the project is requested by an institution of higher education.
- 51 2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State  
52 Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues  
53 or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects

1 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  
 2 students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The  
 3 State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the  
 4 House Appropriations and Senate Finance Committees no later than October 1 of each year.

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

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

11 k.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital  
 12 project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and  
 13 justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to §  
 14 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances  
 15 determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is  
 16 for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition  
 17 shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General  
 18 Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the  
 19 increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to  
 20 decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of  
 21 Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of  
 22 the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also  
 23 include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent  
 24 of the appropriations.

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

27 1. Projects Not Included In This Act:

28 1. Authorization by Governor:

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

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

33 2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully  
 34 funded by revenues of auxiliary enterprises or sponsored programs.

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

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

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

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

41 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)  
 42 without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

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

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

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

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

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

- 1 a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the  
2 General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia  
3 College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.
- 4 3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:
- 5 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  
6 eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative  
7 autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated  
8 authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for  
9 emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project  
10 that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in  
11 § 4-4.01 m 1 of this act.
- 12 b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and  
13 Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the  
14 project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.
- 15 c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine  
16 maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher  
17 education in accordance with this provision.
- 18 m. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject  
19 to the following policies:
- 20 1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for  
21 acquisition, construction, maintenance, operation, and repairs.
- 22 2. For new campuses to be established within the Virginia Community College System, expenditures for land acquisition, site  
23 preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic  
24 and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated  
25 federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of  
26 indebtedness authorized by the General Assembly.
- 27 3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all  
28 colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking  
29 facilities.
- 30 4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting,  
31 sidewalks, and other infrastructure facilities may be made from any appropriated funds.
- 32 5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and  
33 outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing  
34 on a community college campus as of July 1, 1988.
- 35 6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative  
36 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  
37 Assembly, any repair, renovation, or new construction project costing up to \$3,000,000 shall be exempt from the capital outlay  
38 review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which  
39 in combination would exceed the \$3,000,000 maximum.
- 40 2. All state agencies and institutions of higher education shall be exempt from the capital review and approval process for  
41 repair, renovation, or new construction projects costing up to \$3,000,000.
- 42 b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing  
43 up to \$3,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid  
44 award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide  
45 exemptions to the threshold.
- 46 7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as  
47 a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant"  
48 subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and  
49 Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House  
50 Appropriations and Senate Finance Committees.
- 51 n. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which

1 require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such  
 2 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  
 3 the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be  
 4 necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-  
 5 8.00, Reporting Requirements.

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

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

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

21 r.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to  
 22 the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with  
 23 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  
 24 General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning  
 25 conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon,  
 26 such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or  
 27 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  
 28 foundation for any foundation purpose.

29 2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of  
 30 Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675  
 31 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

32 s.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned  
 33 property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of §  
 34 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive  
 35 agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

36 2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of  
 37 Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, Chapters 675  
 38 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

39 t. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as  
 40 follows:

41 1. Such improvements shall be considered an operating expense, provided that:

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

45 b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval  
 46 and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

47 c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

48 d) the total cost does not exceed \$3,000,000; and

49 e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of  
 50 the project, including debt service and interest payments.

51 2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed  
 52 \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and

1 interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the  
2 following conditions must be met:

3 a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of  
4 Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-  
5 1989 and is limited to measures listed in guidelines issued by the Department of General Services;

6 b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board  
7 approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General  
8 Services;

9 c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

10 d) the project has been reviewed by the Department of Planning and Budget; and

11 e) the project has been approved by the Governor.

12 3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of  
13 Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

14 The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy  
15 conservation projects that qualify as capital expenses.

16 4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a  
17 building or structure, (b) changing the use of a building either within the same use group or to a different use group when the  
18 new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or  
19 disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures,  
20 If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay  
21 process as set out in this section.

22 5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate  
23 Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

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

31 v. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594  
32 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and 125 of the  
33 2019 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher  
34 education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

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

39 x. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review  
40 process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or  
41 less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the  
42 Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal  
43 year and any projects that would be eligible for such funding in future fiscal years.

#### 44 § 4-4.02 PLANNING AND BUDGETING

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

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

1                                   **§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES**

2   § 4-5.01 TRANSACTIONS WITH INDIVIDUALS

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

6   b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

7    1. General:

8    a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may  
9    be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-  
10   half time in a degree, certificate, industry-based certification and related programs that do not qualify for other sources of student  
11   financial assistance or diploma program; grants to full-time graduate students; graduate assistantships: grants to students enrolled  
12   full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the  
13   purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds  
14   used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid  
15   programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education  
16   for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate  
17   student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the  
18   institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need  
19   as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community  
20   college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in  
21   this act to state institutions of higher education within the Items for student financial assistance other than those found previously in  
22   this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students  
23   receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on  
24   financial need, and (iv) institutions should make larger grant and scholarship awards to students taking the number of credit hours  
25   necessary to complete a degree in a timely manner.

26   b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or  
27   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  
28   books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of  
29   individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than  
30   the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that  
31   federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for  
32   the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining  
33   need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system  
34   approved by the Council.

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

37   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  
38   institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and  
39   graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

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

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

45   f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil  
46   scientist scholarships authorized under § 23.1-615, Code of Virginia and (2) need-based financial aid programs for industry-based  
47   certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to  
48   guidelines developed by the State Council of Higher Education for Virginia.

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

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

52   2. Grants To Undergraduate Students:



- 1 a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend  
2 such sums as approved for that purpose by the Council.
- 3 b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the  
4 institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes  
5 of eligibility under Title IV of the federal Higher Education Act, as amended.
- 6 c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP)  
7 authorized in Title 23.1, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution  
8 with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this  
9 act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other  
10 students with equivalent remaining need.
- 11 2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required  
12 fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the  
13 VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with  
14 the greatest financial need shall be guaranteed an award at least equal to tuition.
- 15 3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially  
16 needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic  
17 performance and to consider higher education an achievable objective in their futures.
- 18 4) Students may not receive a VGAP and a Commonwealth grant in the same semester.
- 19 3. Grants To Graduate Students:
- 20 a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria  
21 determined by the institution making the award. The amount of an award shall be determined by the institution making the  
22 award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in  
23 the appropriation.
- 24 b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at  
25 the institution making the award.
- 26 c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved  
27 as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except  
28 in cases where the persons meet the criteria outlined in § 4-2.01b.6.
- 29 4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation  
30 for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the  
31 federal government or private sources which requires the matching of the contribution by institutional funds, except for  
32 programs requiring work.
- 33 5. Discontinued Loan Program:
- 34 a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is  
35 discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional  
36 share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the  
37 Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the  
38 funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and  
39 Budget.
- 40 b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23.1, Chapter 4.01,  
41 Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a  
42 nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact  
43 that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be  
44 reestablished thereafter for that institution.
- 45 2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher  
46 Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the  
47 Department of Planning and Budget.
- 48 3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received  
49 by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account  
50 specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.
- 51 6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation

1 of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student  
2 Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

3 C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

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

7 d. VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

8 Notwithstanding any other provision of law, the Virginia Birth-Related Neurological Injury Compensation Program is authorized to  
9 require each admitted claimant's parent or legal guardian to purchase private health insurance (the "primary payer") to provide  
10 coverage for the actual medically necessary and reasonable expenses as described in Virginia Code § 38.2-5009(A)(1) that were, or  
11 are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. Provided,  
12 however, that the Program shall reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable  
13 to the admitted claimant's post-admission coverage from the effective date of this provision forward and paid for by the admitted  
14 claimant's parent or legal guardian.

15 § 4-5.02 THIRD PARTY TRANSACTIONS

16 a. EMPLOYMENT OF ATTORNEYS:

17 1.a) All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys  
18 appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the  
19 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;  
20 provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such  
21 agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that  
22 compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency  
23 or from the moneys appropriated to the Office of the Attorney General.

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

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

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

31 4. Notwithstanding § 2.2-510.1 of the Code of Virginia and any other conflicting provision of law, the Virginia Retirement System  
32 may enter into agreements to seek i) recovery of investment losses in foreign jurisdictions, and ii) legal advice related to its  
33 investments. Any such agreements shall be reported to the Office of the Attorney General as soon as practicable.

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

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

43 d. DEBT COLLECTION SERVICES:

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

49 2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall  
50 have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions,  
51 and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia

1 demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is  
 2 anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia  
 3 Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases  
 4 where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney  
 5 General.

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

8 § 4-5.03 SERVICES AND CLIENTS

9 a. CHANGED COST FACTORS:

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

14 b) The limits on altering or changing cost factors stated in paragraph 1.a) above shall not apply to changes associated with  
 15 implementing and/or altering services in response to COVID-19 when funding is provided from a nongeneral fund source  
 16 dedicated to addressing the impact of COVID-19 or from any source when specifically approved by the Governor in response  
 17 to the COVID-19 pandemic.

18 2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that  
 19 operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving  
 20 internal service fund overhead surcharge rates and working capital reserves.

21 3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-  
 22 2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and  
 23 Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of  
 24 Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and  
 25 working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be  
 26 charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the  
 27 Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget  
 28 assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the  
 29 Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

30 4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency  
 31 unless the resulting change is provided in the final General Assembly enacted budget.

32 5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements  
 33 detailed in this Item for each internal service fund.

34 6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an  
 35 agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds  
 36 consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding  
 37 authorized by § 4-1.03 a. 7 of this act.

38 7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates,  
 39 beyond the rates enacted in the budget in the event of an emergency or to implement actions approved by the General  
 40 Assembly, upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice  
 41 shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the rate change and the  
 42 impact on state agencies.

43 8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program  
 44 known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and  
 45 Budget consistent with the provisions of this Item.

46 9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state  
 47 agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source  
 48 consistent with an appropriation proration of such expenses.

49 b. NEW SERVICES:

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

1 b) The limits on establishing new services stated in paragraph 1.a) above shall not apply to new services established to respond to  
 2 COVID-19 when funding is provided from a nongeneral fund source dedicated to addressing the impact of COVID-19 or from any  
 3 source when specifically approved by the Governor in response to the COVID-19 pandemic.

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

8 3. a) The General Assembly is supportive of the increasing commitment by both Virginia Tech and the Carilion Clinic to the  
 9 success of the programs at the Virginia Tech/Carilion School of Medicine and the Virginia Tech/Carilion Research Institute, and  
 10 encourages these two institutions to pursue further developments in their partnership. Therefore, notwithstanding § 4-5.03 c. of the  
 11 Appropriation Act, if through the efforts of these institutions to further strengthen the partnership, Virginia Tech acquires the  
 12 Virginia Tech Carilion School of Medicine during the current biennium, the General Assembly approves the creation and  
 13 establishment of the Virginia Tech/Carilion School of Medicine within the institution notwithstanding § 23.1-203 Code of Virginia.  
 14 No additional funds are required to implement establishment of the Virginia Tech/Carilion School of Medicine within the institution.

15 b) Virginia Tech Carilion School of Medicine is hereby authorized to transfer funds to the Department of Medical Assistance  
 16 Services to fully fund the state share for Medicaid supplemental payments to the teaching hospital affiliated with the Virginia Tech  
 17 Carilion School of Medicine. These Medicaid supplemental fee-for-service and/or capitation payments to managed care  
 18 organizations are for the purpose of securing access to Medicaid hospital services in Western Virginia. The funds to be transferred  
 19 must comply with 42 CFR 433.51.

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

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

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

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

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

32 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  
 33 entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely  
 34 by course offerings at the site.

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

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

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

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

42 d. PERFORMANCE MEASUREMENT

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

49 2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via  
 50 electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new  
 51 initiatives for which appropriations are provided in this act.

1 b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget,  
 2 shall make available via electronic means a report on the performance of each new initiative contained in the list, to be  
 3 submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall  
 4 compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the  
 5 initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period.  
 6 In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and  
 7 Budget.

8 § 4-5.04 GOODS AND SERVICES

9 a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

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

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

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

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

30 b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

31 1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and  
 32 services of every description for its own benefit or on behalf of other state executive branch agencies and institutions, or  
 33 authorize other state executive branch agencies or institutions to undertake such procurements on their own. "Executive branch  
 34 agency" means the same as that term is defined in § 2.2-2006.

35 b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any  
 36 non-major information technology project request from the Virginia Community College System, Longwood University, or  
 37 from an institution of higher education which is a member of the Virginia Association of State Colleges and University  
 38 Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and  
 39 telecommunications goods and services by public institutions of higher education governed by some combination of Chapters  
 40 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the  
 41 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of  
 42 Assembly, requests for authorization from state agencies and institutions to procure information technology and  
 43 telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his  
 44 designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George  
 45 Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth  
 46 University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

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

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

54 e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System

- 1 from using the services of Network Virginia.
- 2 f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical  
3 research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is  
4 hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to  
5 competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to  
6 establish and maintain research network infrastructure.
- 7 2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies  
8 are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs  
9 affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected  
10 by the altered billing systems.
- 11 3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the  
12 provisions of § 2.2-803, Code of Virginia.
- 13 4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including  
14 geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services  
15 which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State  
16 agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the  
17 development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed  
18 use, functionality, capacity and the total cost of acquisition, operation and maintenance.
- 19 5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of  
20 the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of  
21 Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, or to the  
22 Virginia Alcoholic Beverage Control Authority.
- 23 6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information  
24 Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their  
25 employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or  
26 funds used to purchase the equipment.
- 27 c. MOTOR VEHICLES AND AIRCRAFT:
- 28 1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state  
29 without the prior written approval of the Director, Department of General Services.
- 30 2. The institutions of higher education and the Alcoholic Beverage Control Authority shall be exempt from this provision but shall  
31 be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the  
32 Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost  
33 of vehicles acquired by institutions of higher education and the Authority to like vehicles under the state contract. If the comparison  
34 demonstrates for a given institution or the Authority that the cost to the Commonwealth is greater for like vehicles than would be the  
35 case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the  
36 institution or the Authority pursuant to this subparagraph c.
- 37 3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies,  
38 and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies  
39 affected by such transfers.
- 40 d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher  
41 education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia  
42 Lottery Department shall expend any public funds for the production of motion picture films or of programs for television  
43 transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or  
44 as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by  
45 authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval  
46 of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery  
47 Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are  
48 so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may  
49 enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission  
50 services which are performed by public telecommunications entities, as defined in § 2.2-2006, Code of Virginia.
- 51 e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to  
52 law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:
- 53 1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State

- 1 Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;
- 2 2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the  
3 continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate  
4 as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax  
5 deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state  
6 employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the  
7 Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel,  
8 for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was  
9 not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-  
10 owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such  
11 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-  
12 owned vehicle is not available; then the rate shall be the IRS rate;
- 13 3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;
- 14 4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense  
15 category deemed necessary for the efficient and effective operation of state government;
- 16 5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same  
17 bank account authorized by the employee in which their net pay is direct deposited; and
- 18 6. This section shall not apply to members and employees of public school boards.
- 19 f. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE  
20 OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when,  
21 in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce  
22 unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by  
23 the Department of Accounts through accounting entries.
- 24 g. PURCHASES OF APPLIANCES AND EQUIPMENT: State agencies and institutions shall purchase Energy Star rated  
25 appliances and equipment in all cases where such appliances and equipment are available.
- 26 h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per  
27 year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate  
28 method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of  
29 this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify  
30 non-electronic payment.
- 31 i. LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES: It is the intent of the General Assembly that State agencies  
32 shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to  
33 achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance,  
34 procurement, social services programs, and facilities management.
- 35 j. TELECOMMUNICATION SERVICES AND DEVICES:
- 36 1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular  
37 telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment,  
38 evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an  
39 acceptable use agreement template clearly defining an employee's responsibility when they receive and use a  
40 telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or  
41 stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.
- 42 2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-  
43 specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the  
44 assignment or a public health, welfare and safety need.
- 45 3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to  
46 meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure  
47 these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide  
48 detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make  
49 informed purchasing decisions and minimize costs.
- 50 4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to  
51 analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and  
52 individual users.

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

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

8 m. In an effort to expand cooperative procurement efforts, all public institutions of higher education in the Commonwealth of  
 9 Virginia may access the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) contracts  
 10 regardless of their level of purchasing delegated authority, non-VASCUPP institutions shall amend terms and conditions of  
 11 VASCUPP contracts to incorporate Virginia Public Procurement Act, and Commonwealth of Virginia Agency Procurement and  
 12 Surplus Property Manual.

13 § 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

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

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

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

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

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

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

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

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

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

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

39 § 4-5.06 DELEGATION OF AUTHORITY

40 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  
 41 of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

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

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



1 decentralization program and whether the institutions have been granted authority to participate in the decentralization  
2 program.

3 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  
4 programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby  
5 continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability  
6 program.

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

11 f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital  
12 outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation,  
13 subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of  
14 \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

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

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

19 § 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

20 a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the  
21 Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for  
22 the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General  
23 Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the  
24 Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold  
25 such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage  
26 services, portfolio management strategies, strategic planning, transaction management, project and construction management,  
27 and lease administration strategies consistent with industry best practices as adopted by the Department from time to time.  
28 These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall  
29 not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23.1-1006, Code of  
30 Virginia.

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

33 c. The Governor is authorized to enter into a Memorandum of Understanding with the United States Department of Agriculture,  
34 United States Forest Service ("USFS"), in a form approved by the Office of the Attorney General, regarding a template for use  
35 by any agency of the Commonwealth of Virginia (the "Commonwealth") of USFS land by lease, license, or permit. The  
36 template may allocate liability, including indemnification, for the use of USFS land between the USFS and the Commonwealth,  
37 which liability shall be secured by, and at the discretion of, the Division of Risk Management, Department of the Treasury,  
38 pursuant to the provisions of Virginia Code §2.2-1837(A)(2), through either 1) the Virginia Risk Management Liability Plan  
39 ("the Plan"), or 2) a separate insurance policy procured by the Division of Risk Management, the cost of which shall be charged  
40 to the agencies using USFS lands.

41 § 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

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

54 b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing

1 memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the  
2 Commonwealth.

3 § 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

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

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

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

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

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

15 c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as  
16 Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District  
17 Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of  
18 Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such  
19 terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on  
20 which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for  
21 Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed  
22 March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat.  
23 The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate  
24 officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be  
25 necessary to accomplish the conveyance.

26 d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its  
27 related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property,  
28 proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options  
29 available under federal law to maintain the tax-exempt status of such bonds.

30 § 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

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

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

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

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

47 e. Notwithstanding any provision of law to the contrary, the Commonwealth of Virginia shall begin the process to convey, as is and  
48 pursuant to § 2.2-1150, approximately 432 acres of land located within County of York, Virginia, known as Tax Parcel 12-00-00-  
49 003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority, or any of its members, subsidiaries or affiliates  
50 (hereinafter referred to Authority) for an amount not to exceed \$1,350,000. The Commonwealth of Virginia shall provide to the  
51 Authority copies of the two most recent state appraisals for 150-200 acres for the parcel, and in no case shall the transaction price  
52 per acre exceed the average of the two most recent state appraisals. The Authority shall have the right to waive the appraisal  
53 requirement. The Authority shall reimburse the Commonwealth of Virginia, at property closing, for the appraisals and other

1 Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should  
2 occur no later than December 31, 2021, but may occur earlier if requested by the Authority. The Authority and its designees  
3 shall have the right to enter the Property and to perform due diligence and design studies and activities prior to the conveyance.  
4 The Authority shall have the right to file applications and related documents seeking land, zoning and use entitlements, and the  
5 Commonwealth is authorized to execute such documents as may be required for such purposes, but without incurring  
6 obligations on the Commonwealth by such execution.

7 1. The Authority is authorized to convey the property rights for portions of the Property conveyed by the Commonwealth in  
8 paragraph e., to one or more operators of one or more utility scale solar facilities, or to lease the property rights to such an  
9 operator or operators, for an amount as agreed by the Authority and such operator(s).

10 2. Any remaining Property at the site shall be subject to a deed restriction created in the Commonwealth of Virginia and  
11 Authority property sale described herein to restrict the use of such property by the Authority to any non-residential use, as  
12 determined by the Authority.

13 § 4-5.11 SEAT OF GOVERNMENT TRAFFIC AND PEDESTRIAN SAFETY

14 a. In order to implement and maintain traffic and pedestrian operational safety and security enhancements and secure the seat of  
15 government, the Commonwealth Transportation Board shall, not later than January 1, 2020, add to the state primary highway  
16 system, pursuant to § 33.2-314, Code of Virginia, those portions of the rights-of-way located in the City of Richmond identified  
17 as Bank Street from 9th Street to 14th Street, 10th Street from Main Street to Bank Street, 12th Street from Main Street to Bank  
18 Street, and Governor Street from Main Street to Bank Street and, pursuant to the responsibilities of the Department of General  
19 Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), DGS and DCP shall control those rights-  
20 of-way and pedestrian and vehicular traffic thereon. The rights-of-way so transferred shall be in addition to the 50 miles per  
21 year authorized to be transferred under § 33.2-314(A). The City of Richmond shall transfer fee ownership of the rights-of-way  
22 identified in this section to DGS by deed or other instrument, as determined by DGS.

23 b. All property controlled by the Department of General Services shall require a permit for use by persons, organizations, or  
24 groups for events. Such events are eligible for a permit when the use will not interfere with or disrupt a function sponsored by  
25 the Commonwealth of Virginia government entity in support of an agency's mission. The Department shall prepare and publish  
26 on its website the requirements for the submission, processing, review, and disposition of permit applications for events on  
27 property controlled by the Department to ensure the health, safety, and welfare of the public; coordinate multiple uses of the  
28 property; preserve the rights of individuals to free expression; and to protect the Commonwealth from financial and property  
29 losses.

30 For the purposes of this subsection, an "event" means the assemblage on property controlled by the Department of ten (10) or  
31 more persons for any demonstration, rally, march, performance, picketing, speechmaking, holding of vigils, sit-ins, or other  
32 activities that involve the communication or expression of views or ideas having the effect, intent, or propensity to draw a  
33 crowd or onlookers. An "event" does not include casual use of the property by visitors or tourists.

34 All existing regulations for the use of property controlled by the Department shall remain in effect unless amended or  
35 rescinded. The Virginia Division of Capitol Police and other law enforcement entities having jurisdiction shall enforce the  
36 Department's property use requirements.

37 § 4-6.00 POSITIONS AND EMPLOYMENT

38 § 4-6.01 EMPLOYEE COMPENSATION

39 a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in  
40 the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed  
41 at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the  
42 Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in  
43 accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is  
44 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  
45 of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a  
46 position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such  
47 position in accordance with the provisions of this subsection.

48 b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-  
49 400, Code of Virginia, shall be paid in the amounts shown. However, if an incumbent is reappointed, his or her salary may be  
50 as high as his or her prior salary.

51	<b>July 1, 2020</b>	<b>June 10, 2021</b>
	<b>to</b>	<b>to</b>
52	<b>June 9, 2021</b>	<b>June 30, 2022</b>

1	Chief of Staff	\$183,859	\$193,052
2	Secretary of Administration	\$176,730	\$185,567
3	Secretary of Agriculture and	\$180,706	\$189,741
4	Forestry		
5	Secretary of Commerce and	\$176,730	\$185,567
6	Trade		
7	Secretary of the Commonwealth	\$180,706	\$189,741
8	Secretary of Education	\$176,730	\$185,567
9	Secretary of Finance	\$184,887	\$194,131
10	Secretary of Health and Human	\$176,730	\$185,567
11	Resources		
12	Secretary of Natural Resources	\$176,730	\$185,567
13	Secretary of Public Safety	\$182,705	\$191,840
14	Secretary of Transportation	\$176,730	\$185,567
15	Secretary of Veterans Affairs	\$180,706	\$189,741
16	and Homeland Security		

17 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  
18 current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

19 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  
20 ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a  
21 rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded.  
22 However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range,  
23 then the salary for that appointee may be set at the maximum salary for the respective salary range except if the new hire was  
24 employed in a state classified position, then the Governor may exceed the maximum salary for the position and set the salary for the  
25 employee at a salary level not to exceed the employee's salary at their prior state position.

26 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.

27 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  
28 otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the  
29 public sector.

30 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  
31 of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance  
32 with an assessment of performance and service to the Commonwealth.

33 2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in  
34 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  
35 range, in accordance with an assessment of performance and service to the Commonwealth.

36 b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in  
37 §§ 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  
38 procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries  
39 listed in this act, and shall not become part of the base rate of pay.

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

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

1 compensation for the calculation of such benefits.

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

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

14 b) The Board of Trustees of the Jamestown-Yorktown Foundation may supplement, using nonstate funds, the salary of the  
15 Executive Director of the Foundation. In approving the supplement the Board should be guided by criteria which provides a  
16 reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries  
17 paid to similar officials at comparable Foundations in other states. The Board shall report approved supplements to the  
18 Department of Human Resource Management for retention in its records.

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

	<b>July 1, 2020</b>	<b>June 10, 2021</b>
	<b>to</b>	<b>to</b>
	<b>June 9, 2021</b>	<b>June 30, 2022</b>
23 <b>Level I Range</b>	<b>\$169,179- \$241,463</b>	<b>\$177,638 - \$253,536</b>
24 <b>Midpoint</b>	<b>\$205,321</b>	<b>\$215,587</b>
25 Chief Information Officer, 26 Virginia Information 27 Technologies Agency	\$198,844	\$208,786
28 Commissioner, Department of 29 Motor Vehicles	\$173,321	\$181,987
30 Commissioner, Department of 31 Social Services	\$214,748	\$225,485
32 Commissioner, Department of 33 Behavioral Health and 34 Developmental Services	\$241,463	\$253,536
35 Commonwealth Transportation 36 Commissioner	\$218,509	\$229,434
37 Director, Department of 38 Corrections	\$193,367	\$203,035
39 Director, Department of 40 Environmental Quality	\$199,815	\$209,806
41 Director, Department of 42 Medical Assistance Services	\$212,578	\$223,207
43 Director, Department of 44 Planning and Budget	\$181,441	\$190,513
45 State Health Commissioner	\$236,390	\$248,210

1	State Tax Commissioner	\$172,986	\$181,635
2	Superintendent of Public	\$241,463	\$253,536
3	Instruction		
4	Superintendent of State Police	\$194,054	\$203,757
5		<b>July 1, 2020</b>	<b>June 10, 2021</b>
		<b>to</b>	<b>to</b>
6		<b>June 9, 2021</b>	<b>June 30, 2022</b>
7	<b>Level II Range</b>	<b>\$117,474 - \$189,111</b>	<b>\$123,348 - \$198,567</b>
8	<b>Midpoint</b>	<b>\$153,293</b>	<b>\$160,958</b>
9	Commissioner, Department for	\$163,786	\$171,975
10	Aging and Rehabilitative		
11	Services		
12	Commissioner, Department of	\$169,538	\$178,015
13	Agriculture and Consumer		
14	Services		
15	Commissioner, Department of	\$154,529	\$162,255
16	Veterans Services		
17	Commissioner, Virginia	\$169,863	\$178,356
18	Employment Commission		
19	Executive Director, Department	\$148,385	\$155,804
20	of Game and Inland Fisheries		
21	Commissioner, Marine	\$145,905	\$153,200
22	Resources Commission		
23	Director, Department of	\$176,048	\$184,850
24	Forensic Science		
25	Director, Department of General	\$175,678	\$184,462
26	Services		
27	Director, Department of Human	\$170,525	\$179,051
28	Resource Management		
29	Director, Department of	\$165,110	\$173,366
30	Juvenile Justice		
31	Director, Department of Mines,	\$154,204	\$161,914
32	Minerals and Energy		
33	Director, Department of Rail	\$160,048	\$168,050
34	and Public Transportation		
35	Director, Department of Small	\$146,525	\$153,851
36	Business and Supplier Diversity		
37	Executive Director, Motor	\$120,117	\$126,123
38	Vehicle Dealer Board		

1	Executive Director, Virginia	\$148,454	\$155,877
2	Port Authority		
3	State Comptroller	\$181,303	\$190,368
4	State Treasurer	\$181,158	\$190,216
5	Executive Director, Board of	\$148,988	\$156,437
6	Accountancy		
7	Chief Executive Officer,	\$189,111	\$198,567
8	Virginia Alcoholic Beverage		
9	Control Authority		
10		<b>July 1, 2020</b>	<b>June 10, 2021</b>
		<b>to</b>	<b>to</b>
11		<b>June 9, 2021</b>	<b>June 30, 2022</b>
12	<b>Level III Range</b>	<b>\$119,014 - \$161,360</b>	<b>\$124,965 - \$169,428</b>
13	<b>Midpoint</b>	<b>\$140,187</b>	<b>\$147,196</b>
14	Adjutant General	\$146,681	\$154,015
15	Chairman, Virginia Parole	\$137,957	\$144,855
16	Board		
17	Vice Chairman, Virginia	\$121,394	\$127,464
18	Parole Board		
19	Member, Virginia Parole	\$119,014	\$124,965
20	Board		
21	Commissioner, Department of	\$146,715	\$154,051
22	Labor and Industry		
23	Coordinator, Department of	\$156,395	\$164,215
24	Emergency Management		
25	Director, Department of	\$154,125	\$161,831
26	Aviation		
27	Director, Department of	\$159,249	\$167,211
28	Conservation and Recreation		
29	Director, Department of	\$131,349	\$137,916
30	Criminal Justice Services		
31	Director, Department of Health	\$142,002	\$149,102
32	Professions		
33	Director, Department of	\$130,000	\$136,500
34	Historic Resources		
35	Director, Department of	\$144,246	\$151,458
36	Housing and Community		
37	Development		
38	Director, Department of	\$136,818	\$143,659
39	Professional and Occupational		
40	Regulation		

1	Director, The Science Museum	\$145,824	\$153,115
2	of Virginia		
3	Director, Virginia Museum of	\$151,620	\$159,201
4	Fine Arts		
5	Director, Virginia Museum of	\$124,477	\$130,701
6	Natural History		
7	Executive Director, Jamestown-	\$148,019	\$155,420
8	Yorktown Foundation		
9	Executive Secretary, Virginia	\$130,938	\$137,485
10	Racing Commission		
11	Librarian of Virginia	\$161,360	\$169,428
12	State Forester, Department of	\$152,232	\$159,844
13	Forestry		
14		<b>July 1, 2020</b>	<b>June 10, 2021</b>
		<b>to</b>	
15		<b>June 9, 2021</b>	<b>June 30, 2022</b>
16	<b>Level IV Range</b>	<b>\$95,120 - \$124,386</b>	<b>\$99,876 - \$130,605</b>
17	<b>Midpoint</b>	<b>\$109,753</b>	<b>\$115,241</b>
18	Administrator, Commonwealth's	\$113,215	\$118,876
19	Attorneys' Services Council		
20	Commissioner, Virginia	\$124,386	\$130,605
21	Department for the Blind and		
22	Vision Impaired		
23	Executive Director, Frontier	\$111,125	\$116,681
24	Culture Museum of Virginia		
25	Commissioner, Department of	\$116,619	\$122,450
26	Elections		
27	Executive Director, Virginia-	\$100,695	\$105,730
28	Israel Advisory Board		
29	Director, Gunston Hall	\$95,120	\$99,876
30		<b>July 1, 2020</b>	<b>June 10, 2021</b>
		<b>to</b>	
31		<b>June 9, 2021</b>	<b>June 30, 2022</b>
32	<b>Level V Range</b>	<b>\$24,162 - \$103,566</b>	<b>\$25,370 - \$108,744</b>
33	<b>Midpoint</b>	<b>\$63,864</b>	<b>\$67,057</b>
34	Director, Virginia Department	\$103,566	\$108,744
35	for the Deaf and Hard-of-		
36	Hearing		
37	Executive Director, Department	\$101,288	\$106,352



1	of Fire Programs		
2	Executive Director, Virginia	\$101,288	\$106,352
3	Commission for the Arts		
4	Chairman, Compensation	\$24,162	\$25,370
5	Board		

6 7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown.  
 7 All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

8		<b>July 1, 2020</b>	<b>June 10, 2021</b>
		<b>to</b>	<b>to</b>
9		<b>June 9, 2021</b>	<b>June 30, 2022</b>
10	<b>Independent Range</b>	<b>\$176,683 - \$192,643</b>	<b>\$185,517 - \$202,275</b>
11	<b>Midpoint</b>	<b>\$184,663</b>	<b>\$193,896</b>
12	Executive Director, Virginia	\$176,683	\$185,517
13	Lottery		
14	Director, Virginia Retirement	\$190,982	\$200,531
15	System		
16	Chief Executive Officer,	\$192,643	\$202,275
17	Virginia College Savings Plan		

18 8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the  
 19 salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income  
 20 of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in  
 21 comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the  
 22 Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The  
 23 Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

24 9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the  
 25 compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the  
 26 total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of  
 27 compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities  
 28 with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the  
 29 Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The  
 30 Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

31 10. Notwithstanding any provision of this act, the Board of the Virginia Alcoholic Beverage Control Authority may supplement  
 32 the salary of its Chief Executive Officer in accordance with § 4.1-101.02. The Board should be guided by criteria, which  
 33 provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without  
 34 limitation, a consideration of the salaries paid to similar officials in comparable independent agencies. The Board shall report  
 35 such criteria and potential supplement level to the Chairs of the House Appropriations and Senate Finance and Appropriations  
 36 Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements  
 37 to the Department of Human Resource Management for retention in its record.

38 d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the  
 39 Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of  
 40 the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the  
 41 Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be  
 42 paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board  
 43 for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

44 2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher  
 45 Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the  
 46 salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts.

1 Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the  
 2 board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of  
 3 a president or director. The criteria should include a consideration of additional income from outside sources including, but not being  
 4 limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved  
 5 supplements to the Department of Human Resource Management for retention in its records.

6 b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available  
 7 appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges  
 8 should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should  
 9 include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or  
 10 other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention  
 11 in its records.

12 c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

13 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  
 14 salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I  
 15 agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	<b>July 1, 2020</b>	<b>June 10, 2021</b>
	<b>to</b>	<b>to</b>
	<b>June , 9 2021</b>	<b>June 30, 2022</b>
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1	President, George Mason	\$161,712	\$169,798
2	University		
3	President, James Madison	\$173,292	\$181,957
4	University		
5	President, Longwood	\$158,089	\$165,993
6	University		
7	President, Norfolk State	\$188,510	\$197,936
8	University		
9	President, Old Dominion	\$178,510	\$187,435
10	University		
11	President, Radford University	\$167,050	\$175,403
12	President, Richard Bland	\$142,606	\$149,763
13	College		
14	President, University of Mary	\$155,568	\$163,346
15	Washington		
16	President, University of	\$192,656	\$202,289
17	Virginia		
18	President, Virginia	\$186,383	\$195,702
19	Commonwealth University		
20	President, Virginia Polytechnic	\$203,718	\$213,904
21	Institute and State University		
22	President, Virginia State	\$153,607	\$161,287
23	University		
24	Superintendent, Virginia	\$159,042	\$166,994
25	Military Institute		

26 e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and  
27 classification plans established by the Governor.

28 2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by  
29 credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

30 f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to  
31 any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing  
32 any such system shall be paid from any funds appropriated to the affected agencies.

33 g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of  
34 salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

35 h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for  
36 in § 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected  
37 agencies.

38 i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body  
39 to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular  
40 geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries  
41 which enable the Commonwealth to maintain a competitive position in the relevant labor market.

42 j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-  
43 supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay  
44 one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that  
45 listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.
- k.1.a. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay 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 Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.
- b. Notwithstanding any other provision of law, state employees will be paid on the first workday of July for the work period June 10 to June 24 in any calendar year in which July 1 falls on a weekend.
2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost 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 § 23.1-1302 B and the cash payment offered under such compensation plans pursuant to § 23.1-1302 D, Code of Virginia. Notwithstanding the limitations in § 23.1-1302 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.
- q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in this Act.
- r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

1 § 4-6.02 EMPLOYEE TRAINING AND STUDY

2 Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any  
3 funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose,  
4 compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic  
5 studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall  
6 include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for  
7 reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

8 § 4-6.03 EMPLOYEE BENEFITS

9 a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state  
10 employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

11 b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the  
12 employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made  
13 by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified  
14 workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general  
15 rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

16 c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its  
17 employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public  
18 transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such  
19 programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in  
20 accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that  
21 exceeds the actual costs incurred by the employee.

22 d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State  
23 Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a  
24 participating provider in the network, contracted by the Department of Human Resource Management, that serves state  
25 employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to  
26 the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged  
27 by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by  
28 the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and  
29 the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to  
30 the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established  
31 by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

32 e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and  
33 independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be  
34 considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and  
35 retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs  
36 under this provision.

37 f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who:  
38 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  
39 four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by §  
40 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of  
41 reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

42 a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any  
43 annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional  
44 months of service and compensation received during the period of reemployment, or

45 b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any  
46 purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

47 2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits  
48 provided for in this paragraph.

49 g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member  
50 of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this  
51 paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

52 h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be  
53 eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance

1 payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such  
 2 service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation,  
 3 whichever is greater, and shall be completed within 90 days of separation of service.

4 i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers'  
 5 Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement  
 6 System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces  
 7 of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

8 1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher,  
 9 when calculating average compensation, and

10 2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the  
 11 United States in the calculation of creditable service.

12 j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for  
 13 each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as  
 14 defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter  
 15 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-  
 16 124.3, Code of Virginia.

17 k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24  
 18 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability  
 19 retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application  
 20 shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant  
 21 relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section  
 22 14 of the Constitution of Virginia.

#### 23 § 4-6.04 CHARGES

24 a. FOOD SERVICES: Except as exempted by the prior written approval of the Director, Department of Human Resource  
 25 Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state  
 26 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  
 27 of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal  
 28 charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all  
 29 revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall  
 30 not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

#### 31 b. HOUSING SERVICES:

32 1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by  
 33 the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased  
 34 housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be  
 35 documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of  
 36 General Services may waive the requirement for collection of fees.

37 2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating  
 38 expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For  
 39 housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to  
 40 the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both  
 41 general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate  
 42 fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to  
 43 depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

#### 44 c. PARKING SERVICES:

##### 45 1. State-owned parking facilities

46 Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General  
 47 Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be  
 48 paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs  
 49 for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

##### 50 2. Leased parking facilities in metropolitan Richmond area

51 Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher  
 52 education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise

1 available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space.  
 2 In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of  
 3 General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or  
 4 waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will  
 5 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  
 6 space must be approved by the Director, Department of General Services.

7 3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1  
 8 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the  
 9 surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the  
 10 Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to  
 11 the provisions of paragraph 1 of this item.

12 4. The assignment of 300 parking spaces in the Department of General Services parking facility to be built at the corner of 9th  
 13 and Broad Streets in the City of Richmond, shall be under the control of the Committee on Joint Rules and administered by the  
 14 Clerk of the House and the Clerk of the Senate. Such parking spaces shall be subject to the provisions of paragraph 1 of this  
 15 item.

#### 16 § 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

17 It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the  
 18 Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly  
 19 observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

#### 20 § 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

21 Except as provided in subsection A of § 23.1-1020 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of  
 22 higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of  
 23 Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as  
 24 that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an  
 25 employee.

### 26 § 4-7.00 STATEWIDE PLANS

#### 27 § 4-7.01 MANPOWER CONTROL PROGRAM

28 a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency  
 29 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  
 30 for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of  
 31 Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative  
 32 Department agencies or approval from the appropriate governing authority for the independent agencies.

33 2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations  
 34 Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and  
 35 Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies  
 36 shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support  
 37 federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload  
 38 or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next  
 39 legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

40 b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental  
 41 Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department,  
 42 provided that such changes do not result in exceeding the Position Level for that department.

43 c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the  
 44 Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further  
 45 restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies  
 46 and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by  
 47 the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient  
 48 operation of programs.

49 2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions  
 50 authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency  
 51 exists requiring a change in the official estimate of general fund revenues available for appropriation.

52 d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies,  
 53 the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

1 2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon  
2 workload and funding availability.

3 3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of  
4 higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to  
5 Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for  
6 reference only and may fluctuate depending upon workload and funding availability.

7 4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may  
8 fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher  
9 education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director,  
10 Department of Planning and Budget.

11 5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce  
12 Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only  
13 and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after  
14 enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of  
15 the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

16 e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in  
17 regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain  
18 positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring  
19 freezes.

20 f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and  
21 institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period  
22 exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the  
23 Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding  
24 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of  
25 the General Assembly.

26 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  
27 Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House  
28 Appropriations and Senate Finance Committees in the case of any such approvals.

29 g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the  
30 Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human  
31 Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not  
32 work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may  
33 not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus  
34 additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant  
35 program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal  
36 employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning  
37 hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State  
38 agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with  
39 maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and  
40 any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to  
41 employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable  
42 for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or  
43 penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from  
44 existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or  
45 changes to federal law and regulations.

#### 46 § 4-8.00 REPORTING REQUIREMENTS

##### 47 § 4-8.01 GOVERNOR

###### 48 a. General:

49 1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate  
50 Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this  
51 act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form,  
52 and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public  
53 inspection in the Department of Planning and Budget.

54 2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations



1 Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their  
2 sources, and the amounts for each agency affected.

3 3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be  
4 reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and  
5 Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific  
6 reporting requirements that the Governor may consider suspending.

7 b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect,  
8 use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to  
9 collect the information; or (3) the information collected is central to an essential state process mandated by the Code of  
10 Virginia.

11 c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or  
12 modified as specified below:

13	Agency	Report Title of Descriptor	Authority	Action
14 15	Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23.1-102.	Suspend reporting.
16 17	Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
18 19	Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
20 21	Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.
22 23	Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
24 25 26 27	Department of Human Resource Management	Human Capital Report (Full- Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
28 29 30 31	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.
32 33	Governor's Office	Small, Women-and Minority- owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
34 35	Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

36 d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work  
37 jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund  
38 revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in  
39 collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey  
40 of nongeneral fund revenue from institutions of higher education.

41 4.a) Except for the reports required under Item 479.10 of this act, the Governor may delay or defer the submission of any report  
42 or study that is required by the Code of Virginia or by this Act of a state entity, including agencies, boards, commissions, and  
43 authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not  
44 possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking  
45 approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the  
46 reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to  
47 receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the  
48 required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting

- 1 entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall  
2 be submitted later than 12 months from the original reporting requirement.
- 3 b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above.
- 4 b. Operating Appropriations Reports:
- 5 1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments,  
6 transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this  
7 act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and  
8 the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.
- 9 2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just  
10 completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of  
11 differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current  
12 biennium.
- 13 3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for  
14 economic contingency.
- 15 4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.
- 16 5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.
- 17 6. Status of approvals of deficits.
- 18 c. Employment Reports:
- 19 1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions  
20 and the agencies affected.
- 21 2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter  
22 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This  
23 report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be  
24 submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).
- 25 3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list  
26 of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.
- 27 4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of  
28 Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have  
29 adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees  
30 telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing  
31 state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on  
32 Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year  
33 by October 1.
- 34 d. Capital Appropriations Reports:
- 35 1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).
- 36 2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4).
- 37 e. Utilization of State Owned and Leased Real Property:
- 38 1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-  
39 1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and §  
40 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i)  
41 information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a  
42 listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the  
43 population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under  
44 the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly  
45 to identify and dispose of property not being efficiently and effectively utilized.
- 46 2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease  
47 administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by  
48 DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees  
49 and contractors working in the leased space, if applicable, and the cost of the lease.

1 f. Services Reports:

2 Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the  
3 operation of any academic program by any state institution of higher education, unless approved by the Council and included in  
4 the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

5 g. Standard State Agency Abbreviations:

6 The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of  
7 state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a  
8 continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the  
9 Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies  
10 Agency, and the public.

11 h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning  
12 and Budget:

13 The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget,  
14 shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees  
15 on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each  
16 public college and university contained in this budget. The report shall include actual or projected adjustments which increase  
17 nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The  
18 report shall provide the justification for the increase or transfer and the relative impact on student groups.

19 § 4-8.02 STATE AGENCIES

20 a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or  
21 activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies  
22 of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to  
23 the State Comptroller.

24 b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for  
25 amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit,  
26 electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

27 c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent  
28 forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year  
29 and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

30 d. Any state agency that is required to return federal grant funding as a result of not fulfilling the specifications of a grant, shall,  
31 as soon as practicable but no later than November 1st, report to the Chairmen of the Senate Finance and House Appropriations  
32 Committees of such forfeiting of federal grant funding.

33 § 4-8.03 LOCAL GOVERNMENTS

34 a.1. The Auditor of Public Accounts shall establish a workgroup to develop criteria for a preliminary determination that a local  
35 government may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth  
36 or otherwise regularly made public by the local government. This information includes expenditure reports submitted to the  
37 Auditor, budget information posted on local government websites, and reports prepared by the Commission on Local  
38 Government on revenue fiscal stress. Information provided by the Virginia Retirement System, the Virginia Resources  
39 Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed debt  
40 service payments shall be shared with the Auditor. Fiscal distress as used in this context shall mean a situation whereby the  
41 provision and sustainability of public services is threatened by various administrative and financial shortcomings including but  
42 not limited to cash flow issues; inability to pay expenses; revenue shortfalls; deficit spending; structurally imbalanced budgets;  
43 billing and revenue collection inadequacies and discrepancies; debt overload; failure to meet obligations to authorities, school  
44 divisions, or political subdivisions of the Commonwealth; and/or lack of trained and qualified staff to process administrative  
45 and financial transactions. Fiscal distress may be caused by factors internal to the unit of government or external to the unit of  
46 government and in various degrees such conditions may or may not be controllable by management, or the local governing  
47 body, or its constitutional officers.

48 2. Based upon the criteria established by the workgroup and using information identified above, the Auditor of Public Accounts  
49 shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor of Public Accounts  
50 shall establish a regular process whereby it reviews data on at least an annual basis to make a preliminary determination that a  
51 local government is in fiscal distress.

52 3. For local governments where the Auditor of Public Accounts has made a preliminary determination of fiscal distress based

1 upon the early warning system criteria, the Auditor of Public Accounts shall notify the local governing body of its preliminary  
 2 determination that it may meet the criteria for fiscal distress. Based upon the request of the local governing body or chief executive  
 3 officer, the Auditor of Public Accounts may conduct a review and request documents and data from the local government. Such  
 4 review shall consider factors including, but not limited to, budget processes, debt, borrowing, expenses and payables, revenues and  
 5 receivables, and other areas including staffing, and the identification of external variables contributing to a locality's financial  
 6 position, and if so, the scope of the issues involved. Any local governing body that receives requests for information from the  
 7 Auditor of Public Accounts pursuant to such preliminary determination based on the above described threshold levels shall  
 8 acknowledge receipt of such a request and shall ensure that a response is provided within the time frames specified by the Auditor of  
 9 Public Accounts. After such review, if the Auditor of Public Accounts is of the opinion that state assistance, oversight, or targeted  
 10 intervention is needed, either to further assess, help stabilize, or remediate the situation, the Auditor shall notify the Governor and  
 11 the Chairmen of the House Appropriations and Senate Finance Committees, and the governing body of the local government in  
 12 writing outlining specific issues or actions that need to be addressed by state intervention.

13 4. The notification issued by the Auditor of Public Accounts pursuant to paragraph 3 above shall satisfy the notification requirement  
 14 necessary to effectuate the provisions of this act in paragraph b.3 below.

15 b.1. The Director of the Department of Planning and Budget shall identify any amounts remaining unexpended from general fund  
 16 appropriations in this Act as of June 30 of each year, which constitute state aid to local governments. The Director shall provide a  
 17 listing of such amounts designated by item number and by program on or before August 15 of each year, to the Governor and the  
 18 Chairmen of the House Appropriations Committee and the Senate Finance Committee.

19 2. From such unexpended balances identified by the Director of the Department of Planning and Budget, the Governor may  
 20 reappropriate up to \$750,000 from amounts which would otherwise revert to the balance of the general fund and transfer such  
 21 amounts as necessary to establish a component of fund balance which may be used for the purpose of providing technical assistance  
 22 and intervention actions for local governments deemed to be fiscally distressed and in need of intervention to address such distress.  
 23 Any such reappropriation approved by the Governor, shall be separately identified in the commitments specified on the balance  
 24 sheet and financial statements of the State Comptroller for the close of each fiscal year, to the extent that such reserve is not used or  
 25 added to by future appropriation actions.

26 3. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the House Appropriations Committee  
 27 and the Senate Finance Committee must receive a notification from the Auditor of Public Accounts that a specific locality is in need  
 28 of intervention because of a worsening financial situation. The Auditor of Public Accounts may issue such a notification upon  
 29 receipt of audited financial statement or other information that indicates the existence of fiscal distress. But, no such notification  
 30 shall be made until appropriate follow up and correspondence ascertains that, in the opinion of the Auditor of Public Accounts, such  
 31 fiscal distress indeed exists. Such notification may also be issued by the Auditor of Public Accounts if written concerns raised about  
 32 fiscal distress are not adequately addressed by the locality in question.

33 4. Once the Governor has received a notification from the Auditor of Public Accounts indicating fiscal distress in a specific local  
 34 government, the Governor shall consult with the Chairmen of the House Appropriations Committee and the Senate Finance  
 35 Committee about a plan for state intervention prior to any expenditure of funds from the cash reserve. Any plan approved by the  
 36 Governor for intervention should, at a minimum, specify the purpose of such intervention, the estimated duration of the intervention,  
 37 and the anticipated resources (dollars and personnel) directed toward such effort. The staffing necessary to carry out the intervention  
 38 plan may be assembled from either public agencies or private entities or both and, notwithstanding any other provisions of law, the  
 39 Governor may use an expedited method of procurement to secure such staffing when, in his judgment, the need for intervention is of  
 40 an emergency nature such that action must be taken in a timely manner to avoid or address unacceptable financial risks to the  
 41 Commonwealth.

42 5. The governing body and the elected constitutional officers of a locality subject to an intervention plan approved by the Governor  
 43 shall assist all state appointed staff conducting the intervention regardless of whether such staff are from public agencies or private  
 44 entities. Intervention staff shall provide periodic reports in writing to the Governor and the Chairmen of the House Appropriations  
 45 Committee and the Senate Finance Committee outlining the scope of issues discovered and any recommendations made to remediate  
 46 such issues, and the progress that is made on such recommendations or other remediation efforts. These periodic reports shall  
 47 specifically address the degree of cooperation the intervention team is receiving from locally elected officials, including  
 48 constitutional officers, city, county, or town managers and other local personnel in regards to their intervention work.

49 6. The Department of General Services is hereby encouraged to develop a master contract of qualified private sector turnaround  
 50 specialists with expertise in local government intervention that the Governor can use to procure intervention services in an  
 51 expeditious manner when he determines that state intervention is warranted in situations of local fiscal distress.

## 52 § 4-9.00 HIGHER EDUCATION RESTRUCTURING

### 53 § 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

54 Consistent with § 23.1-206, Code of Virginia, the following education-related and financial and administrative management  
 55 measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional  
 56 performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than

1 October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be  
 2 evaluated year-to-date by the Secretaries of Finance and Administration as appropriate, and communicated to the State Council  
 3 of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in  
 4 accordance with § 23.1-1002 will be evaluated in light of that institution's performance.

5 In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is  
 6 understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance  
 7 measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting  
 8 all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions  
 9 that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the  
 10 following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of  
 11 financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of  
 12 financial benefits.

13 Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related  
 14 measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related  
 15 measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of  
 16 performance.

17 The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the  
 18 certification process.

#### 19 a. BIENNIAL ASSESSMENTS

20 1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount  
 21 enrollment.

22 2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate  
 23 and bachelor degree awards.

24 3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H  
 25 (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.

26 4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level  
 27 - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time  
 28 equivalent students.

29 5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented  
 30 populations.

31 6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

#### 32 b. Elementary and Secondary Education

33 1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council  
 34 of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production  
 35 and retention of teachers, and the exiting of teachers from the teaching profession.

36 2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally  
 37 identifiable information from education records in order to evaluate and study student preparation for and enrollment and  
 38 performance at state institutions of higher education in order to improve educational policy and instruction in the  
 39 Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of  
 40 students by persons other than representatives of the Department of Education or the State Council for Higher Education for  
 41 Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

42 b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher  
 43 Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use,  
 44 share, and maintain de-identified student data to improve student and program performance including those for career  
 45 readiness.

46 3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public  
 47 Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards  
 48 of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record  
 49 to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent  
 50 or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be  
 51 redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes  
 52 of studying the content and rigor of the Standards of Learning.

1 c. SIX-YEAR PLAN

2 Institution prepares six-year financial plan consistent with § 23.1-907.

3 d. FINANCIAL AND ADMINISTRATIVE STANDARDS

4 The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006  
5 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and  
6 Chapters 124 and 125 of the 2019 Acts of Assembly.

7 1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and  
8 administrative standards:

9 a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

10 b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

11 c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

12 d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any  
13 standards for outstanding receivables and bad debts; and

14 e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any  
15 standards for accounts payable past due.

16 2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of  
17 institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently  
18 issued within a specified period.

19 3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent  
20 from the established goal will be acceptable.

21 4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the  
22 Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in  
23 the plan, will be acceptable.

24 The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet  
25 procurement system (eVA) from vendor locations registered in eVA.

26 5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved  
27 by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or  
28 other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance  
29 shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether  
30 the institution shall be considered in compliance with the measure despite the cost overrun.

31 6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the  
32 budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time  
33 schedule for any such project, the Secretary of Administration shall review the circumstances causing the cost overrun and/or delay  
34 and the manner in which the institution responded and determine whether the institution appropriately adhered to Project  
35 Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the  
36 cost overrun and/or delay.

37 e. FINANCIAL AND ADMINISTRATIVE STANDARDS

38 The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly,  
39 Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 124 and  
40 125 of the 2019 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements  
41 and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the  
42 administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial  
43 measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the  
44 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the  
45 2009 Acts of Assembly, and Chapters 124 and 125 of the 2019 Acts of Assembly.

46 1. Financial

47 a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

48 b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

- 1 c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- 2 d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any  
3 standards for outstanding receivables and bad debts; and
- 4 e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any  
5 standards for accounts payable past due.
- 6 2. Debt Management
- 7 a) The institution shall maintain a bond rating of AA- or better;
- 8 b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- 9 c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt  
10 management policy.
- 11 3. Human Resources
- 12 a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate  
13 for state classified employees within a variance of 15 percent; and
- 14 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  
15 fiscal year.
- 16 4. Procurement
- 17 a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan  
18 as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM  
19 purchase goal, as stated in the plan, will be acceptable; and
- 20 b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide  
21 internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.
- 22 5. Capital Outlay
- 23 a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally  
24 approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or  
25 the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at  
26 the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and  
27 Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and  
28 determine whether the institution shall be considered in compliance with the measure despite the cost overrun;
- 29 b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2  
30 percent of the guaranteed maximum price (GMP) or construction price; and
- 31 c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by  
32 the institution is within 5 percent of the average commercial business district lease rate for similar quality space within  
33 reasonable proximity to the institution's campus.
- 34 6. Information Technology
- 35 a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and  
36 on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such  
37 project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in  
38 which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's  
39 best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or  
40 delay; and
- 41 b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The  
42 institution will have no significant audit deficiencies unresolved beyond one year.
- 43 f. REPORTING
- 44 The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education  
45 governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and  
46 expenditure data.

1 g. EXEMPTION

2 The requirements of this section shall not be in effect if they conflict with § 23.1-206.D. of Chapters 828 and 869 of the Acts of  
3 Assembly of 2011.

4 § 4-9.02 LEVEL II AUTHORITY

5 a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that  
6 have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008  
7 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate  
8 functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

9 1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by  
10 an original memorandum of understanding;

11 2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

12 The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the  
13 Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of  
14 Chapter 824 and 829 of the 2008 Acts of Assembly.

15 b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related  
16 measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in  
17 consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of  
18 Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of  
19 Higher Education for Virginia. The development and administration of education-related measures described in paragraph b. and in  
20 § 23.1-1003 A.3. are suspended through 2020-2022.

21 c. 1. As part of a five-year pilot program, George Mason University is authorized, for a period of five years, to exercise additional  
22 financial and administrative authority as set out in each of the three functional areas of information technology, procurement and  
23 capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of  
24 the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008  
25 are superseded by the provisions of this item, and (ii) the institution is not required to have a signed memorandum of understanding  
26 with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as provided in  
27 subsection C of § 2.2-1132 in order to be eligible for the additional capital project authority.

28 2. In addition, the institution shall exercise additional financial and administrative authority over financial operations as follows:

29 a). BOARD OF VISITORS ACCOUNTABILITY AND DELEGATION OF AUTHORITY.

30 The Board of Visitors of the University shall at all times be fully and ultimately accountable for the proper fulfillment of the duties  
31 and responsibilities set forth in, and for the appropriate implementation of, this Policy. Consistent with this full and ultimate  
32 accountability, however, the Board may, pursuant to its legally permissible procedures, specifically delegate either herein or by  
33 separate Board resolution the duties and responsibilities set forth in this Policy to a person or persons within the University, who,  
34 while continuing to be fully accountable for such duties and responsibilities, may further delegate the implementation of those duties  
35 and responsibilities pursuant to the University's usual delegation policies and procedures.

36 b) FINANCIAL MANAGEMENT AND REPORTING SYSTEM.

37 The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be  
38 authorized by the Board to maintain existing and implement new policies governing the management of University financial  
39 resources. These policies shall continue to (i) ensure compliance with Generally Accepted Accounting Principles, (ii) ensure  
40 consistency with the current accounting principles employed by the Commonwealth, including the use of fund accounting principles,  
41 with regard to the establishment of the underlying accounting records of the University and the allocation and utilization of resources  
42 within the accounting system, including the relevant guidance provided by the State Council of Higher Education for Virginia chart  
43 of accounts with regard to the allocation and proper use of funds from specific types of fund sources, (iii) provide adequate risk  
44 management and internal controls to protect and safeguard all financial resources, including moneys transferred to the University  
45 pursuant to a general fund appropriation, and ensure compliance with the requirements of the Appropriation Act.

46 The financial management system shall continue to include a financial reporting system to satisfy both the requirements for  
47 inclusion into the Commonwealth's Comprehensive Annual Financial Report, as specified in the related State Comptroller's  
48 Directives, and the University's separately audited financial statements. To ensure observance of limitations and restrictions placed  
49 on the use of the resources available to the University, the accounting and bookkeeping system of the University shall continue to be  
50 maintained in accordance with the principles prescribed for governmental organizations by the Governmental Accounting Standards  
51 Board.

52 In addition, the financial management system shall continue to provide financial reporting for the President, acting through the



1 Executive Vice President, Chief Operating Officer, or Chief Financial Officer, and the Board of Visitors to enable them to  
2 provide adequate oversight of the financial operations of the University.

3 c) FINANCIAL MANAGEMENT POLICIES.

4 The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall create  
5 and implement any and all financial management policies necessary to establish a financial management system with adequate  
6 risk management and internal control processes and procedures for the effective protection and management of all University  
7 financial resources. Such policies will not address the underlying accounting principles and policies employed by the  
8 Commonwealth and the University, but rather will focus on the internal operations of the University's financial management.  
9 These policies shall include, but need not be limited to, the development of a tailored set of finance and accounting practices  
10 that seek to support the University's specific business and administrative operating environment in order to improve the  
11 efficiency and effectiveness of its business and administrative functions. In general, the system of independent financial  
12 management policies shall be guided by the general principles contained in the Commonwealth's Accounting Policies and  
13 Procedures such as establishing strong risk management and internal accounting controls to ensure University financial  
14 resources are properly safeguarded and that appropriate stewardship of public funds is obtained through management's  
15 oversight of the effective and efficient use of such funds in the performance of University programs.

16 The University shall continue to follow the Commonwealth's accounting policies until such time as specific alternate policies  
17 can be developed, approved and implemented. Such alternate policies shall include applicable accountability measures and  
18 shall be submitted to the State Comptroller for review and comment before they are implemented by the University.

19 d) FINANCIAL RESOURCE RETENTION AND MANAGEMENT.

20 The Board of Visitors shall retain the authority to establish tuition, fee, room, board, and other charges, with appropriate  
21 commitment provided to need-based grant aid for middle- and lower-income undergraduate Virginians. Except as provided  
22 otherwise in the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be exempt  
23 from the revenue restrictions in the general provisions of the Appropriation Act related to non-general funds. In addition, unless  
24 prohibited by the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be  
25 entitled to retain non-general fund savings generated from changes in Commonwealth rates and charges, including but not  
26 limited to health, life, and disability insurance rates, retirement contribution rates, telecommunications charges, and utility rates,  
27 rather than reverting such savings back to the Commonwealth. This financial resource policy assists the University by  
28 providing the framework for retaining and managing non-general funds, for the receipt of general funds, and for the use and  
29 stewardship of all these funds.

30 The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue  
31 to provide oversight of the University's cash management system which is the framework for the retention of non-general  
32 funds. The Internal Audit Department of the University shall periodically audit the University's cash management system in  
33 accordance with appropriate risk assessment models and make reports to the Audit and Compliance Committee of the Board of  
34 Visitors. Additional oversight shall continue to be provided through the annual audit and assessment of internal controls  
35 performed by the Auditor of Public Accounts. For the receipt of general and non-general funds, the University shall conform to  
36 the Security for Public Deposits Act, Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 of the Code of Virginia as it currently exists  
37 and from time to time may be amended.

38 e) ACCOUNTS RECEIVABLE MANAGEMENT AND COLLECTION.

39 The President, through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be  
40 authorized to create and implement any and all Accounts Receivable Management and Collection policies as part of a system  
41 for the management of University financial resources. The policies shall be guided by the requirements of the Virginia Debt  
42 Collection Act, Chapter 48 (§ 2.2-4800 et seq.) of the Code of Virginia, such that the University shall take all appropriate and  
43 cost effective actions to aggressively collect accounts receivable in a timely manner.

44 These shall include, but not be limited to, establishing the criteria for granting credit to University customers; establishing the  
45 nature and timing of collection procedures within the above general principles; and the independent authority to select and  
46 contract with collection agencies and, after consultation with the Office of the Attorney General, private attorneys as needed to  
47 perform any and all collection activities for all University accounts receivable such as reporting delinquent accounts to credit  
48 bureaus, obtaining judgments, garnishments, and liens against such debtors, and other actions. In accordance with sound  
49 collection activities, the University shall continue to utilize the Commonwealth's Debt Set-Off Collection Programs, shall  
50 develop procedures acceptable to the Tax Commissioner and the State Comptroller to implement such Programs, and shall  
51 provide a quarterly summary report of receivables to the Department of Accounts in accordance with the reporting procedures  
52 established pursuant to the Virginia Debt Collection Act.

53 f) DISBURSEMENT MANAGEMENT.

54 The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue  
55 to be authorized to create and implement any and all disbursement policies as part of a system for the management of

1 University financial resources. The disbursement management policies shall continue to define the appropriate and reasonable uses  
 2 of all funds, from whatever source derived, in the execution of the University's operations. These policies also shall continue to  
 3 address the timing of appropriate and reasonable disbursements consistent with the Prompt Payment Act, and the appropriateness of  
 4 certain goods or services relative to the University's mission, including travel-related disbursements. Further, the University's  
 5 disbursement policy shall continue to provide for the mechanisms by which payments are made including the use of charge cards,  
 6 warrants, and electronic payments.

7 These disbursement policies shall authorize the President, acting through the Executive Vice President, Chief Operating Officer, or  
 8 Chief Financial Officer, to independently select, engage, and contract for such consultants, accountants, and financial experts, and  
 9 other such providers of expert advice and consultation, and, after consultation with the Office of the Attorney General, private  
 10 attorneys, as may be necessary or desirable in his or her discretion. The policies also shall continue to include the ability to locally  
 11 manage and administer the Commonwealth's credit card and cost recovery programs related to disbursements, subject to any  
 12 restrictions contained in the Commonwealth's contracts governing those programs, provided that the University shall submit the  
 13 credit card and cost recovery aspects of its financial and operations policies to the State Comptroller for review and comment prior  
 14 to implementing those aspects of those policies. The disbursement policies shall ensure that adequate risk management and internal  
 15 control procedures shall be maintained over previously decentralized processes for public records, payroll, and non-payroll  
 16 disbursements. The University shall continue to provide summary quarterly prompt payment reports to the Department of Accounts  
 17 in accordance with the reporting procedures established pursuant to the Prompt Payment Act.

18 The University's disbursement policies shall be guided by the principles of the Commonwealth's policies as included in the  
 19 Commonwealth's Accounting Policy and Procedures Manual. The University shall continue to follow the Commonwealth's  
 20 disbursement policies until such time as specific alternative policies can be developed, approved and implemented. Such alternate  
 21 policies shall be submitted to the State Comptroller for review and comment prior to their implementation by the University.

22 3. The Auditor of Public Accounts or his legally authorized representatives shall audit annually the accounts of each institution and  
 23 shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the  
 24 Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall  
 25 examine annually the accounts and books of each such institution, but the institution shall not be deemed to be a state or  
 26 governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of  
 27 Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each  
 28 such institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other  
 29 reviews and audits as shall be required by law.

30 d. Subject to review of its Shared Services Center by the Department of General Services, and approval to proceed with  
 31 decentralized procurement of authority by the Department of General Services, the Virginia Community College System (VCCS) is  
 32 authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three  
 33 functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0,  
 34 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates  
 35 contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item. The State Board  
 36 for Community Colleges may request any subsequent delegation of procurement authority after consultation with and positive  
 37 recommendation by the Department of General Services.

38 e. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement for institutions of higher education  
 39 that have operational authority in the area of procurement, the small purchases thresholds shall be the same thresholds set forth in the  
 40 Virginia Public Procurement Act (§ 2.2- 4300 et seq). Where small purchase thresholds in the Rules Governing Procurement for  
 41 such institutions exceed those in 2.2-4300 et seq, the Rules Governing Procurement shall be the authorized procurement threshold.

#### 42 § 4-9.03 LEVEL III AUTHORITY

43 a. The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly  
 44 shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements  
 45 need to be renegotiated or revised.

46 b. Notwithstanding the small purchase thresholds set forth in the Rules Governing Procurement the small purchases thresholds for  
 47 Level III institutions shall be the small purchase thresholds set forth in the Virginia Public Procurement Act (§ 2.2-4300 et seq).  
 48 Where small purchase thresholds under Rules Governing Procurement for Level III institutions exceed those in 2.2-4300 et seq, the  
 49 Rules Governing Procurement shall be the authorized procurement threshold.

50 c. Pursuant to § 23.1-1005, Code of Virginia, the Governor recommends approval for George Mason University to operate as a  
 51 Level III institution under the management agreement as approved by its board of visitors on October 1, 2020.

#### 52 § 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

53 a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

54 1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page

- 1 should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should  
 2 consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics,  
 3 on a separate page attached to student invoices;
- 4 2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce  
 5 reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue  
 6 through charging for specialized programs and services, expanding membership, and/or charging all users of recreation  
 7 facilities;
- 8 3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of  
 9 control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure.  
 10 Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures  
 11 where possible;
- 12 4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct  
 13 reports;
- 14 5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that  
 15 establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control  
 16 for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the  
 17 circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the  
 18 purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are  
 19 unusually narrow; and,
- 20 6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods,  
 21 including use of institution-wide contracts;
- 22 7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that  
 23 are exceptions to the institutional policies for standardizing purchases;
- 24 8. participate in national faculty teaching load assessments by discipline and faculty type.
- 25 b. The State Council on Higher Education for Virginia, to the extent practicable, shall:
- 26 1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of  
 27 Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory  
 28 non-E&G fees, including for intercollegiate athletics;
- 29 2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory  
 30 non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public  
 31 Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;
- 32 3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure  
 33 current use of space and plans for future use of space at Virginia's public higher education institutions;
- 34 4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory  
 35 Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee,  
 36 the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering  
 37 institutions' instructional expenditures per student while maintaining or enhancing student learning;
- 38 5. include factors such as discipline, faculty rank, cost of living, and regional comparisons in developing faculty salary goals;
- 39 6. identify instructional technology best practices that directly or indirectly lower student cost while maintaining or enhancing  
 40 learning.
- 41 c. Notwithstanding the provisions of § 23.1-1304, the State Council of Higher Education for Virginia shall annually train  
 42 boards of visitors members on the types of information members should request from institutions to inform decision making,  
 43 such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected  
 44 cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in  
 45 the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or  
 46 delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at  
 47 Virginia's public four-year institutions, as appropriate.
- 48 d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's  
 49 maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities,  
 50 and differences in facility use.

1 e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall  
 2 use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which  
 3 capital projects should receive funding.

4 f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher  
 5 education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

6 **§ 4-11.00 STATEMENT OF FINANCIAL CONDITION**

7 Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a  
 8 detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts,  
 9 and upon such forms as shall be prescribed by the Auditor of Public Accounts.

10 **§ 4-12.00 SEVERABILITY**

11 If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or  
 12 circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this  
 13 act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence,  
 14 clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this  
 15 act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if  
 16 such application had not been made.

17 **§ 4-13.00 CONFLICT WITH OTHER LAWS**

18 Notwithstanding any other provision of law, and until June 30, 2022, the provisions of this act shall prevail over any conflicting  
 19 provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting  
 20 provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has  
 21 clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such  
 22 other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to  
 23 prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s)  
 24 of this act and the provision of such other law.

25 **§ 4-14.00 EFFECTIVE DATE**

26 This act is effective on its passage as provided in § 1-214, Code of Virginia.

27 **ADDITIONAL ENACTMENTS**

28 **3. That the authority and responsibilities of the Secretary of Technology included in the Code of Virginia shall be executed by**  
 29 **the Secretary of Administration and the Secretary of Commerce and Trade pursuant to Item 66 and Item 111 of this act. Any**  
 30 **authority or responsibilities of the Secretary of Technology not referenced in Item 66 and Item 111 of this act shall be executed**  
 31 **by either the Secretary of Administration or the Secretary of Commerce and Trade as determined by the Governor.**

32 **4. That any authority or responsibilities of the Innovation and Entrepreneurship Investment Authority and the Center for**  
 33 **Innovative Technology not referenced in Item 135 of this Act shall be executed by the Virginia Innovation Partnership**  
 34 **Authority and the non-profit entity established in legislation to be considered by the 2020 General Assembly.**

35 **5. That § 16.1-69.48:2 of the Code of Virginia is amended and reenacted as follows:**

36 **§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.**

37 Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services  
 38 are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the  
 39 taxed costs and shall not be refundable, except in case of error or as herein provided.

40 For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of  
 41 motion, garnishment, attachment issued, or other civil proceeding, the fee shall be \$36. No such fee shall be collected (i) in any tax case  
 42 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  
 43 fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under  
 44 § 17.1-132.

45 The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the  
 46 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  
 47 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,  
 48 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  
 49 service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the  
 50 original return day.

- 1 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  
 2 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  
 3 first two pages and \$.50 for each page thereafter.
- 4 The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks,  
 5 and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates  
 6 for the prescribed services.
- 7 **6. a. In anticipation of the collection of taxes and revenues of the Commonwealth, for fiscal years 2021 and 2022, the**  
 8 **Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X,**  
 9 **Section 9 (a)(2) of the Constitution of Virginia, as the case may be, at one time or from time to time, tax and revenue**  
 10 **anticipation notes ("9(a)(2) Notes") of the Commonwealth, including 9(a)(2) Notes issued as commercial paper. The**  
 11 **proceeds of such 9(a)(2) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing**  
 12 **expenses, shall be used exclusively for the purpose of providing funds, together with any other available funds, to help**  
 13 **manage the cash flow impact of actual or potential reductions of tax and other revenues or increases in expenses related to**  
 14 **or resulting from the COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in**  
 15 **anticipation of the collection of taxes and revenues by the Commonwealth.**
- 16 **b. In addition, in anticipation of the collection of taxes and revenues of the Commonwealth, and its counties, cities and**  
 17 **towns, for fiscal years 2021 and 2022, the Treasury Board is hereby authorized, by and with the consent of the Governor,**  
 18 **to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, as the case may be, at one time or from**  
 19 **time to time, tax and revenue anticipation notes of the Commonwealth ("9(d) Notes" and together with the 9(a)(2) Notes**  
 20 **authorized in the foregoing paragraph, "Notes"), including 9(d) Notes issued as commercial paper. The proceeds of such**  
 21 **9(d) Notes, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used**  
 22 **exclusively for the purpose of providing funds, together with any other available funds, to help manage the cash flow**  
 23 **impact of actual or potential reductions of tax and other revenues or increases in expenses related to or resulting from the**  
 24 **COVID-19 pandemic, and including the payment of operating expenses incurred or to be incurred in anticipation of the**  
 25 **collection of taxes and revenues by the Commonwealth and its counties, cities and towns, and to purchase or acquire**  
 26 **similar notes issued by, or otherwise to assist, cities, counties and towns of the Commonwealth for such purpose. The**  
 27 **Governor is authorized to select the counties, cities and towns to participate in the undertakings authorized hereunder and**  
 28 **direct the distribution of 9(d) Note proceeds to the particular counties, cities and town, and shall, after consultation with**  
 29 **all interested parties, develop a guidance document governing eligibility and priority criteria.**
- 30 **c. The Treasury Board is authorized to issue Notes hereunder in an aggregate principal amount not exceeding**  
 31 **\$500,000,000 for the benefit of the Commonwealth and in an aggregate principal amount not exceeding \$250,000,000 for**  
 32 **the benefit of counties, cities and towns, plus in either case amounts needed to fund issuance costs, reserve funds,**  
 33 **capitalized interest, and other financing expenses.**
- 34 **d. 9(a)(2) Notes shall mature at such time or times within twelve months from their date or dates, and 9(d) Notes shall**  
 35 **mature at such time or times not exceeding two years from their date or dates.**
- 36 **e. The full faith and credit of the Commonwealth shall be pledged to any 9(a)(2) Notes issued under the provisions of this**  
 37 **Item. 9(d) Notes issued under the provisions of this item shall not be deemed to constitute a debt of the Commonwealth of**  
 38 **Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject**  
 39 **to appropriation by the General Assembly, from amounts appropriated from time to time by the General Assembly and**  
 40 **from amounts paid by counties, cities and towns that issue bonds, notes or obligations with respect to this Item. There is**  
 41 **hereby appropriated a sum sufficient to the Treasury Board for the purpose of paying the debt service on the Notes.**
- 42 **f. The Virginia Resources Authority is authorized to purchase and acquire through proceeds of 9(d) Notes bonds, notes or**  
 43 **obligations of counties, cities and towns of the Commonwealth issued for the purposes authorized hereunder and establish**  
 44 **the interest rates and repayment terms of such bonds, notes or obligations in accordance with a memorandum of**  
 45 **agreement with the Treasury Board and the Authority shall recover its reasonable costs and expenses for doing so from**  
 46 **the proceeds of such Notes and for its role in the administration and management of such proceeds.**
- 47 **g. Each county, city, and town is hereby authorized to issue bonds, notes or obligations for the purposes set forth in**  
 48 **paragraph (b) above. The authority of any county, city, and town to contract and to issue bonds, notes or obligations**  
 49 **pursuant to such authorization is in addition to any existing authority to contract and issue bonds, notes or obligations,**  
 50 **anything in the laws of the Commonwealth, including any local charter, to the contrary notwithstanding. The provisions of**  
 51 **Virginia Code § 15.2-2659 and § 62.1-216.1 shall apply, mutatis mutandis, with respect to any bond, note or obligation**  
 52 **issued by a county, city or town hereunder.**
- 53 **h. The proceeds, including any premium, of the Notes shall be deposited in a special account in the state treasury and,**  
 54 **together with the investment income thereon, shall be disbursed by the State Treasurer from time to time for paying all or**  
 55 **any part of the expenses or undertakings as set forth in paragraphs (a) and (b) above. The Notes shall be dated and may be**  
 56 **made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be**  
 57 **determined by the Treasury Board, by and with the consent of the Governor, and shall be in such form, shall bear interest**

1 at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other  
 2 provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The  
 3 principal of and premium, if any, and the interest on Notes shall be payable in lawful money of the United States of America.  
 4 Notes may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for  
 5 services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the  
 6 persons entitled to the Notes. Notes issued in certificated form may be issued under a system of book entry for recording the  
 7 ownership and transfer of ownership of rights to receive payments on the Notes. The Treasury Board shall fix the authorized  
 8 denomination or denominations of the Notes and the place or places of payment of certificated Notes, which may be at the  
 9 Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. The Treasury Board may  
 10 sell Notes in such manner, by competitive bidding, negotiated sale, or private placement with private lenders or governmental  
 11 agencies, and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to  
 12 be in the best interest of the Commonwealth. In the discretion of the Treasury Board, Notes may be issued at one time or from  
 13 time to time. Certificated Notes shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or  
 14 shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the Notes bear  
 15 the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall  
 16 determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose  
 17 signature or facsimile signature appears on any Notes ceases to be such officer before delivery, such signature or facsimile  
 18 signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such  
 19 delivery, and any Note may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution  
 20 are the proper officers to sign such Note, although at the date of such Note, such persons may not have been such officers.

21 i. The Treasury Board is authorized to create debt service and sinking funds for the payments of the principal of, premium, if  
 22 any, and interest on the Notes and other funds or reserves desirable or required by any purchaser. Pending the application of  
 23 the proceeds of the Notes to the purpose for which they have been authorized and the application of funds set aside for the  
 24 purpose to the payment of Notes, they may be invested by the State Treasurer in securities that are legal investments under the  
 25 laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives  
 26 interest from the investment of the proceeds of Notes, such interest shall become a part of the principal of the Notes and shall  
 27 be used in the same manner as required for principal of the Notes.

28 7.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to §  
 29 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of  
 30 Virginia, electric companies subject to regulation of the State Corporation Commission ("Commission"), natural gas suppliers  
 31 subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service  
 32 providers, subject to the regulation of Commission or constituting a municipal utility ("utilities") are prohibited from  
 33 disconnecting service to residential customers for non-payment of bills or fees until the Governor determines that the economic  
 34 and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after  
 35 such declared state of emergency ends, whichever is sooner. "Municipal utility" means a utility providing electric, gas, or water  
 36 or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the  
 37 Commonwealth. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection  
 38 moratorium, which may be by bill insert or bill notice.

39 b. No more than 60 days after the enactment of this act, the utilities shall notify all customers who are at least 30 days in arrears  
 40 of the COVID-19 Relief Repayment Plan (Repayment Plan), which may be by bill insert or bill notice, such notice shall include  
 41 eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an  
 42 initial complaint on Repayment Plan related disputes. All utilities within 60 days after the enactment of this act must offer  
 43 customers a Repayment Plan for past due accounts while the universal prohibition on service disconnections is in effect that  
 44 includes, at minimum, the following provisions:

45 1. The Repayment Plan shall not require any new deposits, down payments, fees, late fees, interest charges, or penalties, nor  
 46 shall such plan accrue any fees, interest, or penalties, including prepayment penalties;

47 2. The Repayment Plan shall amortize the repayment of a customer's utility debt over a minimum period of 6 months and up to  
 48 24 months for each utility. The utility will work with the customer to establish a Repayment Plan that meets the requirements  
 49 of this clause 7.b. and that the customer determines is sustainable and affordable for them. A customer may satisfy the  
 50 Repayment Plan in part or in full at any time; and

51 3. The utilities shall not apply eligibility criteria, such as installment plan history. However, the utilities may require the  
 52 customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship  
 53 resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the  
 54 public health emergency.

55 4. If a utility reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan, the  
 56 utility shall report the account as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and  
 57 Economic Security Act. If the provisions of Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act expire  
 58 prior to the end of the universal moratorium established in clause 7.a., the utility may only resume reporting any default on the

1 Repayment Plan at the end of the universal moratorium established in clause 7.a.

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

7 c. Nothing herein shall limit or prevent the utilities or the residential customers from applying or seeking debt relief or  
8 mitigation from any available resource, from entering into another payment plan offered by the utility, or from  
9 renegotiating the terms of the Repayment Plan.

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

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

22 e. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to regulation  
23 of the Commission has accounts receivable arrearages for Virginia customers that exceed 2% of an investor-owned electric  
24 utility's, or 1% of any other utility's, annual Virginia jurisdictional operating revenues, then the utility may obtain relief  
25 from the moratorium established in clause 7.a. by filing an informational letter notice with the clerk of the Commission,  
26 stating such facts to demonstrate the exceedance and contemporaneously tendering associated workpapers to the staff of  
27 the Commission. The Commission staff shall verify the information as filed by the utility and shall file a verification letter  
28 with the Clerk of the Commission. The Commission, upon receipt of a favorable verification letter, shall issue a final order  
29 within five days. Upon issuance of an order, a utility shall thereafter be exempt from the moratorium provisions of this  
30 clause 7.a.

31 f. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to this clause 7  
32 but not subject to regulation of the Commission has accounts receivable arrearages that exceed 1% of the utility's annual  
33 operating revenues, then the utility may obtain relief from the moratorium established in clause 7.a. if (i) the utility  
34 provides a written analysis stating such facts to demonstrate the exceedance to staff of the governing body, (ii) the utility  
35 contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the  
36 governing body, and (iii) the governing body verifies the exceedance, provides public notice, takes public comment on, and  
37 votes to approve that the exceedance is accurate in an open public meeting. In the event of an affirmative vote of the  
38 utility's governing body, the utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

39 g. The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended,  
40 and prudently incurred implementation costs resulting from a Repayment Plan for electric, gas, water, or wastewater  
41 utilities, including through a rate adjustment clause or through base rates, however, the Commission shall exclude from  
42 recovery all costs associated with any jurisdictional customer balances forgiven by a Phase II utility pursuant to  
43 paragraph j. below. The Commission may apply any applicable earnings test in the Commission rules governing utility  
44 rate applications and annual informational filings when assessing the recovery of such costs. The Commission shall also  
45 require the utilities subject to regulation by the Commission to submit information on the status of customer accounts,  
46 including (a) the number and value of outstanding aged account balances, categorized by customer type; (b) the number  
47 and value of associated collections from customers, categorized by customer type; (c) the number and value of associated  
48 additions to aged accounts receivable balances, categorized by customer type; (d) the number and value of aged accounts  
49 receivable balances, net of collections and additions; (e) the number, total value, and average debt of accounts that are  
50 participating in the Repayment Plan, or another repayment plan as set forth by the utility; (f) the number of accounts  
51 removed from the Repayment Plan, or another repayment plan as set forth by the utility, categorized by reason; (g) the  
52 amount of and average debt still remaining for customer accounts removed from the Repayment Plan or another  
53 repayment plan as set forth by the utility; (h) the carrying costs of the debt for accounts participating in a repayment plan  
54 and any associated administrative costs incurred; (i) the number, total value, and average debt of customer accounts  
55 receiving direct assistance by the funds provided in Item 479.10, paragraph B.2. of this act, categorized by days in arrears  
56 and customer account type; (j) the cumulative level of customer arrearages by locality; and (k) any cost recorded as  
57 regular asset authorized by that certain order of the Commission in Case Number PUR-2020-00074. The Commission shall  
58 provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on

1 Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized  
 2 report by utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal  
 3 prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The  
 4 report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due  
 5 within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020  
 6 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the  
 7 universal prohibition established in clause 7.a. to December 16th of the year the report is due.

8 h. Utilities not subject to regulation by the Commission shall submit information on the status of customer accounts to the  
 9 Commission on Local Government managed by the Department of Housing and Community Development, including (a) the  
 10 number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60  
 11 days in arrears; (c) the number, total value, and average debt of accounts that are participating in the Repayment Plan, or  
 12 another repayment plan as set forth by the utility; (d) the number of accounts removed from the Repayment Plan, or another  
 13 repayment plan as set forth by the utility, categorized by reason; (e) the amount of and average debt still remaining for  
 14 accounts removed from the Repayment Plan or another repayment plan as set forth by the utility; (f) the carrying costs of the  
 15 debt for accounts participating in a repayment plan and any associated administrative costs incurred; (g) the number, total  
 16 value, and average debt of accounts offset by the funds provided in Item 479.10, paragraph B.2. of this act and local programs  
 17 using Coronavirus Relief Funds, categorized by days in arrears, customer account type, and Coronavirus Relief Fund type;  
 18 and, (h) the cumulative level of customer arrearages by locality. The Commission on Local Government shall provide the  
 19 Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and  
 20 Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by  
 21 utility containing such compiled information by December 31, 2020, within 90 days of the expiration of the universal  
 22 prohibition established in clause 7.a., and annually, on or before December 31st, thereafter for the following two years. The  
 23 report due on December 31, 2020 shall cover the period from March 16, 2020 through December 15, 2020. The report due  
 24 within 90 days of the end of the universal prohibition established in clause 7.a. shall cover the period from December 16, 2020  
 25 to the end of the universal prohibition established in clause 7.a. Annual reports shall cover the period from the end of the  
 26 universal prohibition established in clause 7.a. to December 16th of the year the report is due.

27 i. The reports required in paragraphs g. and h. of this clause 7 are not eligible for deferral or delay as permitted under Item 4-  
 28 8.01, a.4.a. of this act.

29 j. Within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer  
 30 balances more than 30 days in arrears as of September 30, 2020.

31 1. In the utility's 2021 triennial review, any forgiven amounts shall be excluded from the utility's cost of service for purposes of  
 32 determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits,  
 33 in the utility's 2021 triennial review, the Commission shall first offset any forgiven amounts against the total earnings for the  
 34 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be  
 35 made prior to any offset to customer bill credits by customer credit reinvestment offsets.

36 2. Each Phase II Utility shall, no later than December 31, 2020, submit a report to the Governor, the Chairs of the House  
 37 Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance  
 38 and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this  
 39 act to forgive customer balances.

40 k. In addition to the relief provided pursuant to clause 7.j., within 60 days after the enactment of this act, a Phase II Utility shall  
 41 forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of December 31, 2020.

42 1. In the utility's 2021 triennial review, the provisions of clause 7.k. shall be excluded from the utility's cost of service for  
 43 purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer  
 44 bill credits, in the utility's 2021 triennial review, the Commission shall first offset any amounts pursuant to clause 7.k. against  
 45 the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band.  
 46 Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

47 2. Each Phase II Utility shall, no later than November 1, 2021, submit a report to the Governor, the Chairs of the House  
 48 Committees on Labor and Commerce and Appropriations, and the Senate Committees on Commerce and Labor and Finance  
 49 and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this  
 50 act to forgive customer balances.

51 8.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to §  
 52 [44-146.17](#) of the Code of Virginia in response to a communicable disease of public health threat as defined in § [44-146.16](#) of the  
 53 Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit,  
 54 for non-payment of rent through December 31, 2020, unless such eligible tenant refuses to apply for Virginia Rent Relief  
 55 Program (formerly Virginia Rent and Mortgage Relief Program) assistance and refuses to cooperate with the landlord in  
 56 applying for rental assistance through the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief  
 57 Program). Such landlords and tenants must also comply with the following:



1 1. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four  
 2 rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due,  
 3 the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount  
 4 due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement  
 5 certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency,  
 6 the tenant may, but is not required to, enter into a payment plan under which the tenant shall be required to pay the total  
 7 amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under  
 8 the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late  
 9 fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. If the  
 10 tenant fails to pay in full, enter into a written payment plan with the landlord, or pay any installment required by the plan,  
 11 the landlord may not terminate the tenancy nor take any action to obtain possession of the dwelling unit until the  
 12 provisions of subsection 8.b. are effectuated on January 1, 2021. However, during the time the provisions of this subsection  
 13 8.a. are in effect, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251 in the event that  
 14 the tenant refuses to apply for Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program)  
 15 assistance and refuses to cooperate with the landlord in applying for rental assistance through the Virginia Rent Relief  
 16 Program (formerly Virginia Rent and Mortgage Relief Program), as described in subsection 8.a.2. below. Nothing in this  
 17 subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law,  
 18 nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit  
 19 organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from  
 20 taking advantage of the provisions of this subsection.

21 2. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall  
 22 serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent Relief Program  
 23 (formerly Virginia Rent and Mortgage Relief Program) and information on how to reach 2-1-1 Virginia to determine any  
 24 additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner,  
 25 landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent Relief Program (formerly  
 26 Virginia Rent and Mortgage Relief Program) on behalf of the tenant, or the landlord will cooperate with the tenant's  
 27 application for rental assistance with the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief  
 28 Program), or with another federal, state, or local rent relief program, by providing required documentation for such  
 29 application, including the W-9 IRS form and any supporting affidavit. If the tenant refuses to apply for Virginia Rent  
 30 Relief Program (formerly Virginia Rent and Mortgage Relief Program) assistance and refuses to cooperate with the  
 31 landlord in applying for rental assistance through the Virginia Rent Relief Program (formerly Virginia Rent and  
 32 Mortgage Relief Program), the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251  
 33 for non-payment of rent, during such time the provisions of 8.a. are in effect. Before January 1, 2021, a landlord may not  
 34 terminate a tenancy nor take action to obtain possession of a dwelling unit based solely on failure to receive written  
 35 approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any other  
 36 federal, state, or local rent relief program. After the provisions of subsection 8.b. are effectuated on January 1, 2021, the  
 37 landlord may terminate the tenancy or take action to obtain possession of the dwelling unit based on failure to receive  
 38 written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any  
 39 other federal, state, or local rent relief program, but only in compliance with the applicable provisions of subsection 8.b.3.  
 40 For any application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent Relief Program  
 41 (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program, the  
 42 administrator of the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or the  
 43 administrator of any other federal, state, or local rent relief program shall work diligently to process such application  
 44 within fourteen days of submission of such application.

45 b. Beginning January 1, 2021, notwithstanding any other provision of law, upon the declaration by the Governor of a state  
 46 of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health  
 47 threat as defined in § 44-146.16 of the Code of Virginia, no landlord shall terminate a residential tenancy, or take any  
 48 action to obtain possession of a dwelling unit, for non-payment of rent due to lost income or additional expenses resulting  
 49 from the declared state of emergency until such time the declared state of emergency ends, except as follows:

50 1. For an owner who owns four or fewer rental dwelling units in the Commonwealth, if rent is unpaid when due and the  
 51 tenant fails to pay rent within fourteen days after written notice is served on him, pursuant to § 55.1-1202, notifying the  
 52 tenant of his nonpayment and of the landlord's intention to obtain possession of the premises if the rent is not paid within  
 53 the fourteen-day period, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251,  
 54 provided that the landlord also complies with subsection 3. below.

55 2. For an owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four  
 56 rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due,  
 57 the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount  
 58 due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement  
 59 certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency,  
 60 the tenant may, but is not required to, enter into a payment plan under which the tenant shall be required to pay the total

1 amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the  
 2 rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be  
 3 assessed during any time period in which a tenant is making timely payments under a payment plan. The written notice shall  
 4 also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan  
 5 offered, or an alternative payment arrangement acceptable to the landlord, within fourteen days of receiving the written notice  
 6 from the landlord, the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails  
 7 to pay in full or enter into a written payment plan with the landlord within fourteen days of when the notice is served on him,  
 8 the landlord may proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also  
 9 complies with subsection 3. below. If the tenant enters into a payment plan and, after the plan becomes effective, fails to pay  
 10 any installment required by the plan within fourteen days of its due date, the landlord may proceed to obtain possession of the  
 11 premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice, pursuant to § 55.1-1202, advising the  
 12 tenant of the landlord's intention to obtain possession of the premises unless the tenant pays the total amount due and owed as  
 13 stated on the notice within fourteen days of receipt and provided that the landlord complies with subsection 3. below. The  
 14 option of entering into a payment plan or alternative payment arrangement pursuant to this subdivision may only be utilized  
 15 once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of  
 16 any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in  
 17 any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law,  
 18 regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

19 3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall,  
 20 pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent  
 21 Relief Program (formerly Virginia Rent and Mortgage Relief Program) and provides the website address and statewide  
 22 telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to  
 23 determine whether there are any other available federal, state and local rent relief programs. The written notice shall also  
 24 inform the tenant that the owner, landlord, or owner's licensed agent shall apply for rental assistance on the tenant's behalf  
 25 within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the  
 26 landlord that they have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of the  
 27 tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full amount owed by the  
 28 tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th day, or they have  
 29 entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall cooperate with  
 30 the tenant's application, by providing all information and documentation required to complete the application, including but  
 31 not limited to the W-9 IRS form and any supporting affidavits. In an initial application, if the landlord or the tenant does not  
 32 receive written approval from the Virginia Rent Relief Program (formerly Virginia Rent and Mortgage Relief Program) or any  
 33 other federal, state, or local rent relief program within forty-five days of when the application for assistance is made by the  
 34 tenant or the landlord, the landlord may proceed to obtain possession of the premise as provided in § 55.1-1251. For any  
 35 subsequent application, if the landlord or tenant does not receive written approval from the Virginia Rent Relief Program  
 36 (formerly Virginia Rent and Mortgage Relief Program) or any other federal, state, or local rent relief program within fourteen  
 37 days of submission of the subsequent application, the landlord may proceed to obtain possession of the premises as provided in  
 38 § 55.1-1251. If a tenant who has not paid in full or entered into a payment plan with the landlord within 14 days after the  
 39 written notice is served refuses to apply for rental assistance and also refuses to cooperate with the landlord in providing  
 40 information and documentation required to complete the application made by the landlord, or if such tenant is determined  
 41 ineligible for rental assistance, or there are no longer funds available through any federal, state or local rental assistance  
 42 program, the landlord may take action to obtain possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of  
 43 Virginia.

44 c. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the  
 45 repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account  
 46 as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act.

47 d. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent, the landlord  
 48 cannot take any action to obtain possession of a dwelling unit for non-payment of rent.

49 e. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those  
 50 obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.

51 f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to November 18, 2020;  
 52 however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for non-  
 53 payment of the rent unless the landlord complies with the provisions of this Section 8.

54 9. That §§ 8.01-3, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265 of the Code of Virginia are amended and reenacted and that  
 55 the Code of Virginia is amended by adding in Title 30 a chapter numbered 62 consisting of sections numbered 30-391 through  
 56 30-400 as follows:

57 § 8.01-3. Supreme Court may prescribe rules; effective date and availability; indexed, and annotated; effect of subsequent  
 58 enactments of General Assembly.

1 A. The Supreme Court, subject to §§ 17.1-503 and 16.1-69.32, may, from time to time, prescribe the forms of writs and make  
 2 general regulations for the practice in all courts of the Commonwealth; and may prepare a system of rules of practice and a system  
 3 of pleading and the forms of process and may prepare rules of evidence to be used in all such courts. This section shall be liberally  
 4 construed so as to eliminate unnecessary delays and expenses.

5 B. The Supreme Court, subject to § 30-399, shall enact rules and procedures as may be necessary for implementing the  
 6 requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Supreme Court to establish congressional  
 7 or state legislative districts as provided for in that section.

8 C. New rules and amendments to rules shall not become effective until 60 days from adoption by the Supreme Court, and shall be  
 9 made available to all courts, members of the bar, and the public.

10 D. The Virginia Code Commission shall publish and cause to be properly indexed and annotated the rules adopted by the Supreme  
 11 Court, and all amendments thereof by the Court, and all changes made therein pursuant to subsection E.

12 E. The General Assembly may, from time to time, by the enactment of a general law, modify or annul any rules adopted or  
 13 amended pursuant to this section. In the case of any variance between a rule and an enactment of the General Assembly such  
 14 variance shall be construed so as to give effect to such enactment.

15 F. Any amendment or addition to the rules of evidence shall be adopted by the Supreme Court on or before November 15 of any  
 16 year and shall become effective on July 1 of the following year unless the General Assembly modifies or annuls any such  
 17 amendment or addition by enactment of a general law. Notwithstanding the foregoing, the Supreme Court, at any time, may  
 18 amend the rules to conform with any enactment of the General Assembly and correct unmistakable printer's errors, misspellings,  
 19 unmistakable errors to statutory cross-references, and other unmistakable errors in the rules of evidence.

20 G. When any rule contained in the rules of evidence is derived from one or more sections of the Code of Virginia, the Supreme  
 21 Court shall include a citation to such section or sections in the title of the rule.

22 **§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.**

23 A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general  
 24 election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct  
 25 once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and  
 26 polling place changes may be inspected.

27 B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of  
 28 the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at  
 29 least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election  
 30 district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by  
 31 posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a  
 32 newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days  
 33 following the change.

34 C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and  
 35 send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the  
 36 districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or  
 37 town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the  
 38 boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

39 **§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.**

40 No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any  
 41 precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the  
 42 boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv)  
 43 the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to  
 44 comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

45 If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall  
 46 comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and send copies of the ordered or enacted  
 47 changes to the State Board of Elections and the Division of Legislative Services.

48 This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1,  
 49 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

50 **§ 30-263. Joint Reapportionment Committee; membership; terms; quorum; compensation and expenses.**

51 A. The Joint Reapportionment Committee (the Joint Committee) is established in the legislative branch of state government. The

1 Joint Committee shall consist of five members of the Committee on Privileges and Elections of the House of Delegates and three  
 2 members of the Committee on Privileges and Elections of the Senate appointed by the respective chairmen of the two committees.  
 3 Members shall serve terms coincident with their terms of office.

4 B. The Joint Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members of the Joint  
 5 Committee shall constitute a quorum. The meetings of the Joint Committee shall be held at the call of the chairman or whenever the  
 6 majority of the members so request.

7 C. The Joint Committee shall supervise activities required for the tabulation of population for the census and for the timely reception of  
 8 precinct population data for reapportionment.

9 D. Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary  
 10 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation  
 11 and expenses of the members shall be provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the  
 12 Senate for their respective members.

13 **§ 30-264. Staff to Joint Reapportionment Committee.**

14 The Division of Legislative Services shall serve as staff to the Joint Reapportionment Committee.

15 **§ 30-265. Reapportionment of congressional and state legislative districts; United States Census population counts.**

16 For the purposes of redrawing the boundaries of the congressional, state Senate, and House of Delegates districts after the United States  
 17 Census for the year 2020 and every 10 years thereafter, the Virginia Redistricting Commission established pursuant to Chapter 62 of  
 18 Title 30 shall use the population data provided by the United States Bureau of the Census, as adjusted by the Division of Legislative  
 19 Services pursuant to § 24.2-314. The census data used for this apportionment purpose shall not include any population figure which is  
 20 not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the  
 21 apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats  
 22 among the states.

23 **CHAPTER 62.**

24 **VIRGINIA REDISTRICTING COMMISSION.**

25 **§ 30-391. Virginia Redistricting Commission.**

26 A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year  
 27 2020 and every 10 years thereafter for the purpose of establishing districts for the United States House of Representatives and for the  
 28 Senate and the House of Delegates of the General Assembly.

29 B. As used in this chapter:

30 "Census data" means the population data received from the United States Bureau of the Census pursuant to P.L. 94-171.

31 "Commission" means the Virginia Redistricting Commission established pursuant to this chapter.

32 "Committee" means the Redistricting Commission Selection Committee established pursuant to § 30-393.

33 "Partisan public office" means (i) an elective or appointive office in the executive or legislative branch or in an independent  
 34 establishment of the federal government; (ii) an elective office in the executive or legislative branch of the government of the  
 35 Commonwealth, or an office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an  
 36 office of a county, city, or other political subdivision of the Commonwealth that is filled by an election process involving nomination  
 37 and election of candidates on a partisan basis.

38 "Political party office" means an elective office in the national or state organization of a political party, as defined in § 24.2-101.

39 **§ 30-392. Membership; terms; vacancies; chairman; quorum; compensation and expenses.**

40 A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and eight  
 41 citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party  
 42 having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners  
 43 shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed  
 44 by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party  
 45 having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two  
 46 commissioners shall be members of the House of Delegates, representing the political party having the next highest number of  
 47 members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be  
 48 selected by the Redistricting Commission Selection Committee pursuant to § 30-394. No appointing authority shall appoint himself to  
 49 serve as a legislative commissioner or a citizen commissioner.

1 B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective  
2 authorities no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed. In  
3 making its appointments, the appointing authorities shall endeavor to have their appointees reflect the racial, ethnic, geographic,  
4 and gender diversity of the Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the  
5 unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of  
6 the Commission is maintained.

7 C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the  
8 Redistricting Commission Selection Committee as provided in § 30-394. In making its selections, the Committee shall ensure the  
9 citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth.  
10 Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their  
11 successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.  
12 Vacancies shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30-394  
13 from which the commissioner being replaced was selected and shall require an affirmative vote of a majority of the  
14 commissioners, including at least one commissioner representing or affiliated with each political party.

15 D. Legislative commissioners shall receive such compensation as provided in § 30-19.12, and citizen commissioners shall receive  
16 such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary  
17 expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense  
18 payments shall come from existing appropriations to the Commission.

19 E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from  
20 its membership. The chairman shall be a citizen commissioner and shall be responsible for coordinating the work of the  
21 Commission. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners  
22 and a majority of the citizen commissioners, shall constitute a quorum.

23 F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.),  
24 except as provided in subsection E of § 30-394. All records and documents of the Commission, or any individual or group  
25 performing delegated functions of or advising the Commission, related to the Commission's work, including internal  
26 communications and communications from outside parties, shall be considered public information.

27 G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission shall not communicate with  
28 any person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or  
29 hearing. Written public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the  
30 Commission shall not be a violation of this subsection.

31 H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be considered the client of the  
32 lawyer or the law firm. No individual commissioner or group of commissioners shall be considered to be the client of the lawyer  
33 or the law firm.

34 I. Notwithstanding paragraph G. above or any other provision of law, the Chairs of the Virginia Redistricting Commission shall  
35 keep the Senate President Pro Tempore, the Senate Minority Leader, the Speaker of the House of Delegates, the House Minority  
36 Leader, and the Governor informed about the timing of availability of United States Bureau of the Census data as it relates to the  
37 tabulation of the population for reapportionment purposes pursuant to P.L. 94-171, and options for redistricting and its impact on  
38 elections for the House of Delegates.

39 **§ 30-393. Redistricting Commission Selection Committee; chairman; quorum; compensation and expenses.**

40 A. There shall be a Redistricting Commission Selection Committee established for the purpose of selecting the citizen  
41 commissioners of the Virginia Redistricting Commission. This committee shall consist of five retired judges of the circuit courts  
42 of Virginia.

43 B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of  
44 the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in  
45 the House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the  
46 political party having the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the circuit  
47 courts of Virginia who are willing to serve on the Committee, and no retired judge who is a parent, spouse, child, sibling, parent-  
48 in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United  
49 States or of the General Assembly shall be included in such list. In compiling this list, the Chief Justice shall give consideration to  
50 the racial, ethnic, geographic, and gender diversity of the Commonwealth. These members shall each select a judge from the list  
51 and shall promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately  
52 notify the four judges selected. In making their selections, the members shall give consideration to the racial, ethnic, geographic,  
53 and gender diversity of the Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a  
54 majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the  
55 chairman of the Committee.

1 A majority of the Committee members, which majority shall include the chairman, shall constitute a quorum.

2 The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for any reason, complete his term, the  
3 remaining judges shall select a replacement from the list prescribed herein.

4 C. Members of the Committee shall receive compensation for their services and shall be allowed all reasonable and necessary expenses  
5 incurred in the performance of their duties as provided in §§ 2.2- 2813 and 2.2-2825. The compensation and expenses of members and  
6 all other necessary expenses of the Committee shall be provided from existing appropriations to the Commission.

7 D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except  
8 as provided in subsection E of § 30-394.

9 E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on  
10 a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be performed is  
11 closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or  
12 day on which the government office is closed.

13 F. Notwithstanding paragraph C. above, or any other provision of law, the daily compensation and reimbursement for reasonable and  
14 necessary expenses for legislative and non-legislative members of the Virginia Redistricting Commission for attendance at an official  
15 meeting shall be set at the same amounts provided for legislative members in paragraphs B.4.d. and B.5. of Item 1 of the this act.

16 **§ 30-394. Citizen commissioners; application process; qualifications; selection.**

17 A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and  
18 process by which residents of the Commonwealth may apply to serve on the Commission as citizen commissioners. The Division of  
19 Legislative Services shall assist the Committee in the development of the application and process.

20 The application for service on the Commission shall require applicants to provide personal contact information and information  
21 regarding the applicant's race, ethnicity, gender, age, date of birth, education, and household income. The application shall require an  
22 applicant to disclose, for the period of three years immediately preceding the application period, the applicant's (i) voter registration  
23 status; (ii) preferred political party affiliation, if any, and any political party primary elections in which he has voted; (iii) history of any  
24 partisan public offices or political party offices held or sought; (iv) employment history, including any current or prior employment  
25 with the Congress of the United States or one of its members, the General Assembly or one of its members, any political party, or any  
26 campaign for a partisan public office, including a volunteer position; and (v) relevant leadership experience or involvements with  
27 professional, social, political, volunteer, and community organizations and causes.

28 The application shall require an applicant to disclose information regarding the partisan activities and employment history of the  
29 applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law, or any person with whom the applicant is a  
30 cohabitating member of a household, for the period of three years immediately preceding the application period.

31 The Committee may require applicants to submit three letters of recommendation from individuals or organizations.

32 The application process shall provide for both paper and electronic or online applications. The Committee shall cause to be advertised  
33 throughout the Commonwealth information about the Commission and how interested persons may apply.

34 B. To be eligible for service on the Commission, a person shall have been a resident of the Commonwealth and a registered voter in the  
35 Commonwealth for three years immediately preceding the application period. He shall have voted in at least two of the previous three  
36 general elections. No person shall be eligible for service on the Commission who:

37 1. Holds, has held, or has sought partisan public office or political party office;

38 2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed  
39 directly by or has been employed directly by the United States Congress or by the General Assembly;

40 3. Is employed by or has been employed by any federal, state, or local campaign;

41 4. Is employed by or has been employed by any political party or is a member of a political party central committee;

42 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-  
43 419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

44 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person described in subdivisions 1 through 5, or  
45 is a cohabitating member of a household with such a person.

46 C. The application period shall begin no later than December 1 of the year ending in zero and shall end four weeks after the beginning  
47 date. During this period, interested persons shall submit a completed application and any required documentation to the Division of  
48 Legislative Services. All applications shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for  
49 service pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the applicant pool.

1 The Division of Legislative Services shall make available the application for persons to use when submitting a paper application  
2 and shall provide electronic access for electronic submission of applications.

3 D. Within two days of the close of the application period, the Division of Legislative Services shall provide to the Speaker of the  
4 House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the  
5 House of Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political  
6 party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those  
7 applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications,  
8 including any required documentation.

9 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to subsection D shall each submit to  
10 the Committee a list of at least 16 citizen candidates for service on the Commission. In selecting citizen candidates, they shall give  
11 consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

12 They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration, and  
13 the Division of Legislative Services shall promptly provide to the Committee the applications and documentation for each citizen  
14 candidate being considered. Only the applications and documentation for each citizen candidate shall be maintained as public  
15 records.

16 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to subsection E, but no later than  
17 January 15, the Committee shall select, by a majority vote in a public meeting, two citizen members from each list submitted. In  
18 making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic,  
19 geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify those eight citizens of their  
20 selection to serve as a citizen commissioner of the Commission.

21 No member of the Committee shall communicate with a member of the General Assembly or the United States Congress, or any  
22 person acting on behalf of a member of the General Assembly or the United States Congress, about any matter related to the  
23 selection of citizen commissioners after receipt of the lists submitted pursuant to subsection E.

24 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be  
25 performed on a Saturday, Sunday, or legal holiday, or any day or part of a day on which the government office where the act to be  
26 performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or  
27 legal holiday, or day on which the government office is closed.

28 **§ 30-395. Staff to Virginia Redistricting Commission; census liaison.**

29 A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall perform those duties assigned to  
30 it by the Commission. The Director of the Division of Legislative Services, or his designated representative, shall serve as the  
31 state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for  
32 reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and  
33 municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical and other information  
34 pertinent to preparation for the census.

35 B. The Division of Legislative Services shall maintain the current election district and precinct boundaries of each county and city  
36 as a part of the Commission's computer-assisted mapping and redistricting system. Whenever a county or city governing body  
37 adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its  
38 ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division  
39 of Legislative Services.

40 C. The provisions of Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2, including the statistical reports referred to in that  
41 article, shall be controlling in any legal determination of a district boundary.

42 **§ 30-396. Public participation in redistricting process.**

43 A. All meetings and hearings held by the Commission shall be adequately advertised and planned to ensure the public is able to  
44 attend and participate fully. Meetings and hearings shall be advertised in multiple languages as practicable and appropriate.

45 B. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates  
46 and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in order  
47 to receive and consider comments from the public. Public hearings may be held virtually and any public hearings that are held in  
48 person shall be conducted in different parts of the Commonwealth.

49 C. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available  
50 to the general public and shall be used to disseminate information about the Commission's activities. The website shall be capable  
51 of receiving comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed plan, the Commission  
52 shall publish the proposed plans on the website.

1 D. All data used by the Commission in the drawing of districts shall be available to the public on its website. Such data, including  
2 census data, precinct maps, election results, and shapefiles, shall be posted within three days of receipt by the Commission.

3 **§ 30-397. Proposal and submission of plans for districts.**

4 A. The Commission shall submit to the General Assembly plans for districts for the Senate and the House of Delegates of the General  
5 Assembly no later than 45 days following the receipt of census data.

6 To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the  
7 eight legislative commissioners, including at least three of the four legislative commissioners who are members of the Senate, and at  
8 least six of the eight citizen commissioners.

9 To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least  
10 six of the eight legislative commissioners, including at least three of the four legislative commissioners who are members of the House  
11 of Delegates, and at least six of the eight citizen commissioners.

12 B. The Commission shall submit to the General Assembly plans for districts for the United States House of Representatives no later  
13 than 60 days following the receipt of census data or by the first day of July of that year, whichever occurs first.

14 To be submitted as a proposed plan for districts for members of the United States House of Representatives, a plan shall receive  
15 affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners.

16 C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have 14  
17 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the  
18 General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-399.

19 D. All plans submitted pursuant to this section shall comply with the criteria and standards set forth in § 24.2-304.04.

20 **§ 30-398. Consideration of plans by the General Assembly; timeline.**

21 A. All plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill.

22 B. All bills embodying plans for districts for the United States House of Representatives, the Senate, or the House of Delegates shall be  
23 voted on by the General Assembly in accordance with the provisions of Article IV, Section 11 of the Constitution of Virginia, except  
24 no amendments shall be permitted. All bills embodying a plan that are approved by both houses shall become law without the signature  
25 of the Governor and, pursuant to Article II, Section 6 of the Constitution of Virginia, shall take effect immediately.

26 C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the  
27 General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of the  
28 General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote on the  
29 bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the  
30 Supreme Court of Virginia pursuant to § 30-399.

31 D. If the Commission submits a plan for districts pursuant to subsection C of § 30-397, the General Assembly shall take a vote on such  
32 plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be established  
33 by the Supreme Court of Virginia pursuant to § 30-399.

34 **§ 30-399. Establishment of districts by the Supreme Court of Virginia.**

35 A. In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-397, or the  
36 General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-398, the Supreme Court of  
37 Virginia (the Court) shall be responsible for establishing the districts.

38 B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as may be necessary for implementing  
39 the requirements of Article II, Section 6-A of the Constitution of Virginia, empowering the Court to establish congressional or state  
40 legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall follow the provisions of this  
41 section.

42 C. Public participation in the Court's redistricting deliberations shall be permitted. Such public participation may be through briefings,  
43 written submissions, hearings in open court, or any other means as may be prescribed by the Court.

44 D. The Division of Legislative Services shall make available staff support and technical assistance to the Court to perform those duties  
45 as may be requested or assigned to it by the Court.

46 E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts  
47 set forth in Article II, Section 6 of the Constitution of Virginia and § 24.2-304.04.

48 F. The Court shall appoint two special masters to assist the Court in the establishment of districts. The two special masters shall work



- 1 together to develop any plan to be submitted to the Court for its consideration.
- 2 Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the  
3 House of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the  
4 Senate of Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court  
5 a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular  
6 expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists  
7 submitted by the legislative leaders of the political party having the highest number of members in their respective chambers and  
8 one special master from the lists submitted by the legislative leaders of the political party having the next highest number of  
9 members in their respective chambers. The persons appointed to serve as special masters shall have the requisite qualifications and  
10 experience to serve as a special master and shall have no conflicts of interest. In making its appointments, the Court shall consider  
11 any relevant redistricting experience in the Commonwealth and any practical or academic experience in the field of redistricting.  
12 The Court shall be reimbursed by the Commonwealth for all costs, including fees and expenses, related to the appointment or  
13 work of the special master from funds appropriated for this purpose.
- 14 G. Any justice who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member  
15 of a household with, a member of the Congress of the United States or of the General Assembly shall recuse himself from any  
16 decision made pursuant to this section, and no senior justice designated pursuant to § 17.1-302 shall be assigned to the case or  
17 matter to serve in his place.
- 18 **§ 30-400. Remedial redistricting plans.**
- 19 **If any congressional or state legislative district established pursuant to this chapter or the provisions of Article II, Sections**  
20 **6 and 6-A of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state**  
21 **or federal court, the Commission shall be convened to determine and propose a redistricting plan to remedy the unlawful**  
22 **or unconstitutional district.**
- 23 **10. That an emergency exists and the provisions of Enactment 9 of this act shall become effective on November 15, 2020,**  
24 **contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in**  
25 **November 2020, establishing the Virginia Redistricting Commission by amending Section 6 of Article II and adding in**  
26 **Article II a new section numbered 6-A. If such amendment is not approved by the voters, the provisions of this act shall**  
27 **not become effective.**
- 28 **11. That §§ 58.1-301, 58.1-322.02, 58.1-322.03, and 58.1-402 of the Code of Virginia are amended and reenacted as follows:**
- 29 **§ 58.1-301. Conformity to Internal Revenue Code.**
- 30 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United  
31 States relating to federal income taxes, unless a different meaning is clearly required.
- 32 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the  
33 Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal  
34 income taxes, as they existed on December 31, 2020, except for:
- 35 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the  
36 Internal Revenue Code;
- 37 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
- 38 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;
- 39 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the  
40 discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the  
41 Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the  
42 taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-  
43 taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year  
44 period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For  
45 purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other  
46 deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt  
47 instrument";
- 48 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under  
49 § 68(f) of the Internal Revenue Code;
- 50 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and  
51 after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code  
52 that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal

- 1 Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for  
2 expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;
- 3 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020),  
4 related to the net operating loss limitation and carryback;
- 5 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a  
6 loss limitation applicable to taxpayers other than corporations;
- 7 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the  
8 limitation on business interest; and
- 9 10. The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and  
10 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), related to deductions, tax attributes, and basis increases  
11 for certain loan forgiveness and other business financial assistance.

12 The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this  
13 section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

14 **§ 58.1-322.02. Virginia taxable income; subtractions.**

15 In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be  
16 subtracted:

17 1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of  
18 any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the  
19 United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of  
20 federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

21 2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or  
22 instrumentality of the Commonwealth.

23 3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to §  
24 86 of the Internal Revenue Code.

25 4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a  
26 deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

27 5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

28 6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on  
29 account of the provisions of § 280C(a) of the Internal Revenue Code.

30 7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

31 8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of  
32 Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less;  
33 however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

34 9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000  
35 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency,  
36 or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction  
37 of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract  
38 with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is  
39 compensated for the investigation of crimes or accidents.

40 10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which  
41 were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners,  
42 shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions  
43 may pass through to such partners, shareholders, and members.

44 11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by §  
45 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a  
46 deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the  
47 contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to  
48 such plan or program were subject to taxation under the income tax in another state.

49 12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the

- 1 Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income  
2 attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt  
3 of a scholarship.
- 4 13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted,  
5 deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States  
6 with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax  
7 purposes pursuant to § 112 of the Internal Revenue Code.
- 8 14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or  
9 exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space  
10 use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in  
11 accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three  
12 years following the year in which the subtraction is taken.
- 13 15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90  
14 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay  
15 exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.
- 16 16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable  
17 year is \$15,000 or less.
- 18 17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.
- 19 18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.
- 20 19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by  
21 an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a  
22 victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death,  
23 during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of  
24 income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its  
25 prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an  
26 individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse,  
27 surviving spouse, or child or stepchild of such victim.
- 28 As used in this subdivision:
- 29 "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi  
30 Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.
- 31 "Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had  
32 assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii)  
33 World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees  
34 fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II  
35 and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his  
36 will, under the threat of death, during World War II and its prelude and direct aftermath.
- 37 20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in  
38 the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the  
39 amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.
- 40 21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the  
41 death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is  
42 paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit  
43 payment that is included in federal adjusted gross income.
- 44 22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch  
45 services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To  
46 qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or  
47 spaceport in Virginia.
- 48 23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered  
49 into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other  
50 space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.
- 51 24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services  
52 partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes.

1 To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as  
 2 defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business  
 3 has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the  
 4 investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and  
 5 June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible  
 6 for the subtraction under this subdivision for an investment in the same business.

7 25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital  
 8 gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to  
 9 Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such  
 10 person's first-time home buyer savings account.

11 Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be  
 12 subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account  
 13 were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-  
 14 174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the  
 15 payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the  
 16 ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

17 However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified  
 18 beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States  
 19 Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et  
 20 seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

21 For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified  
 22 beneficiary" mean the same as those terms are defined in § 36-171.

23 26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student  
 24 loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined  
 25 under § 108(f) of the Internal Revenue Code.

26 27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest  
 27 income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the  
 28 investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this  
 29 subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No  
 30 subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit  
 31 under § 58.1-339.4 for the same investment.

32 b. As used in this subdivision 27:

33 "Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary  
 34 purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and  
 35 (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio  
 36 company" does not include a company that is an individual or sole proprietorship.

37 "Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital  
 38 account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment  
 39 fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed  
 40 to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four  
 41 years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent  
 42 experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a  
 43 similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education,  
 44 or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the  
 45 investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a  
 46 Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its  
 47 fund in qualified portfolio companies.

48 28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision,  
 49 the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an  
 50 investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this  
 51 subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same  
 52 investment.

53 b. As used in this subdivision 28:

54 "Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

- 1 "Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.
- 2 "Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified  
3 by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the  
4 trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90  
5 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double  
6 distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a  
7 Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at  
8 least 40 percent of trust funds in real estate in localities that are distressed or double distressed.
- 9 29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by  
10 condemnation proceedings.
- 11 30. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds  
12 received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of  
13 Small Business and Supplier Diversity.
- 14 **§ 58.1-322.03. Virginia taxable income; deductions.**
- 15 In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as  
16 defined in § 58.1-321:
- 17 1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable  
18 year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or  
19 any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount  
20 deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes  
21 at a rate of 18 cents per mile; or
- 22 b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years  
23 beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons  
24 (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and  
25 after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such  
26 amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed  
27 as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.
- 28 2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.
- 29 b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal  
30 exemption in the amount of \$800.
- 31 The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the  
32 taxpayer itemizes deductions for the taxable year for federal income tax purposes.
- 33 3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the  
34 Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.
- 35 4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care  
36 placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the  
37 Internal Revenue Code.
- 38 5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.
- 39 b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This  
40 deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for  
41 single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1  
42 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.
- 43 For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any  
44 benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to §  
45 86 of the Internal Revenue Code, as amended.
- 46 6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is  
47 not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax  
48 return.
- 49 7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a  
50 prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7

1 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any  
 2 taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed  
 3 pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax  
 4 return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried  
 5 forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted;  
 6 however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or  
 7 college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken  
 8 hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than  
 9 (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death,  
 10 disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as  
 11 such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership  
 12 of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated  
 13 with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

14 b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject  
 15 to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any  
 16 taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings  
 17 trust account, less any amounts previously deducted.

18 8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund,  
 19 established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such  
 20 amount on his federal income tax return.

21 9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher  
 22 licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a  
 23 condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not  
 24 reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal  
 25 income tax return.

26 10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not  
 27 claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-  
 28 339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid  
 29 by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable  
 30 year for long-term health care insurance premiums paid by him.

31 11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs  
 32 Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of §  
 33 58.1-402, as follows:

34 a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately  
 35 following the year in which the installment payment is received.

36 b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year  
 37 immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the  
 38 nine succeeding taxable years.

39 12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in  
 40 each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air  
 41 conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements  
 42 developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates  
 43 electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a  
 44 generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating  
 45 and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric  
 46 heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0;  
 47 (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water  
 48 heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85;  
 49 (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

50 13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket  
 51 expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical  
 52 deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in  
 53 the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

54 14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least  
 55 \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a  
 56 prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax

1 filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income"  
 2 means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion  
 3 of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes,  
 4 (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any  
 5 income tax credit pursuant to this chapter.

6 15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to  
 7 § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined  
 8 under § 163(j) of the Internal Revenue Code.

9 16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the  
 10 Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on  
 11 individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

12 17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of the amount that is not  
 13 deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301  
 14 related to Paycheck Protection Program loans.

15 **§ 58.1-402. Virginia taxable income.**

16 A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income  
 17 taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, E, G, and  
 18 H.

19 For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income"  
 20 and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains  
 21 and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C,  
 22 D, E, G, and H.

23 B. There shall be added to the extent excluded from federal taxable income:

24 1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other  
 25 than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the  
 26 Commonwealth is a party;

27 2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or  
 28 securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from  
 29 federal income tax but not from state income taxes;

30 3. [Repealed.]

31 4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or  
 32 computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in  
 33 determining federal taxable income;

34 5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

35 6. [Repealed.]

36 7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution  
 37 pursuant to § 667 of the Internal Revenue Code;

38 8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or  
 39 indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with  
 40 one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable  
 41 income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the  
 42 following applies:

43 (1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or  
 44 capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the  
 45 United States government;

46 (2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are  
 47 not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member  
 48 was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties  
 49 who are not related members for the licensing of intangible property; or

50 (3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of

1 the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a  
 2 person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation  
 3 and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

4 b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the  
 5 Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes,  
 6 penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs  
 7 required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions  
 8 between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required  
 9 under subdivision a, for such intangible expenses and costs.

10 If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction  
 11 or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to  
 12 subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax  
 13 Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of  
 14 subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had  
 15 a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by  
 16 the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under  
 17 this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as  
 18 provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted  
 19 from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that  
 20 portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such  
 21 transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax  
 22 Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible  
 23 expenses and costs without making the adjustment under subdivision a.

24 The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this  
 25 subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the  
 26 review of any petition pursuant to this subdivision upon payment of such fee.

27 No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this  
 28 Commonwealth.

29 c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

30 9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid,  
 31 accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related  
 32 members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes.  
 33 This addition shall not be required for any portion of the interest expenses and costs, if:

34 (1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays  
 35 expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or  
 36 administration relating to the interest-generating activities; and

37 (2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition,  
 38 maintenance, management, sale, exchange, or disposition of intangible property; and

39 (3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose  
 40 other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

41 (4) One of the following applies:

42 (i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital  
 43 imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States  
 44 government;

45 (ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments  
 46 continue to be made at arm's length rates and terms;

47 (iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million  
 48 annually; or

49 (iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates  
 50 and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related  
 51 member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and  
 52 systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more  
 53 related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business



1 operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations;  
2 or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

3 b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition  
4 the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all  
5 taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and  
6 costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or  
7 transactions between the corporation and a related member or members that resulted in the corporation's taxable income being  
8 increased, as required under subdivision a, for such interest expenses and costs.

9 If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the  
10 transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income  
11 pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and  
12 that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the  
13 corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to  
14 any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose  
15 other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were  
16 made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written  
17 permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate  
18 equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However,  
19 upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts  
20 received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for  
21 which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the  
22 Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit  
23 the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without  
24 making the adjustment under subdivision a.

25 The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this  
26 subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition  
27 the review of any petition pursuant to this subdivision upon payment of such fee.

28 No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court  
29 of this Commonwealth.

30 c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

31 d. For purposes of subdivision B 9:

32 "Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii)  
33 such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to  
34 obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt  
35 instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or  
36 payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

37 "Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some  
38 business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the  
39 taxpayer, as further defined by regulation.

40 10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the  
41 Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive  
42 REIT if:

43 (1) It is not regularly traded on an established securities market;

44 (2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of  
45 the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable  
46 as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal  
47 Revenue Code; and

48 (3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

49 b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation  
50 or an association taxable as a corporation:

51 (1) Any REIT that is not treated as a Captive REIT;

52 (2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

- 1 (3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or  
2 controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and
- 3 (4) Any Qualified Foreign Entity.
- 4 c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as  
5 modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any  
6 person.
- 7 d. For purposes of subdivision B 10:
- 8 "Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the  
9 Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly  
10 traded on an established securities market.
- 11 "Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and  
12 that satisfies all of the following criteria:
- 13 (1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in §  
14 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash  
15 equivalents, and U.S. Government securities;
- 16 (2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;
- 17 (3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is  
18 organized, to the holders of its shares or certificates of beneficial interest;
- 19 (4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so  
20 traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single  
21 entity or individual; and
- 22 (5) The entity is organized in a country that has a tax treaty with the United States.
- 23 e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the  
24 beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of  
25 the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.
- 26 11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to §  
27 58.1-439.12:12, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as  
28 amended or renumbered.
- 29 C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:
- 30 1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of  
31 any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the  
32 United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of  
33 federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.
- 34 2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or  
35 instrumentality of this Commonwealth.
- 36 3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent  
37 or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the  
38 provisions of the income tax laws of the Commonwealth.
- 39 4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing  
40 jurisdiction.
- 41 5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).
- 42 6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on  
43 account of the provisions of § 280C(a) of the Internal Revenue Code.
- 44 7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income) or, for taxable years  
45 beginning on and after January 1, 2018, § 951A of the Internal Revenue Code (Global Intangible Low-Taxed Income).
- 46 8. Any amount included therein which is foreign source income as defined in § 58.1-302.

- 1 9. [Repealed.]
- 2 10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the  
3 voting stock.
- 4 11. [Repealed.]
- 5 12, 13. [Expired.]
- 6 14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research  
7 expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of  
8 the Internal Revenue Code.
- 9 15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public  
10 School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.
- 11 16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or  
12 exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement  
13 thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the  
14 extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its  
15 preservation shall be allowed for three years following the year in which the subtraction is taken.
- 16 17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.
- 17 18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement  
18 Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco  
19 farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural  
20 Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.
- 21 19, 20. [Repealed.]
- 22 21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses  
23 and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the  
24 federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax  
25 on the same amount.
- 26 22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight  
27 participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a  
28 launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed  
29 in Virginia or originate from an airport or spaceport in Virginia.
- 30 23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for  
31 delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of  
32 the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an  
33 airport or spaceport in Virginia.
- 34 24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax  
35 purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership  
36 carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be  
37 attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by  
38 the Secretary of Administration, provided the business has its principal office or facility in the Commonwealth and less than \$3  
39 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the  
40 investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an  
41 investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an  
42 investment in the same business.
- 43 25. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried  
44 interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this  
45 subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be  
46 allowed under this subdivision for an investment in a company that is owned or operated by an affiliate of the taxpayer. No  
47 subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision C 24 for the  
48 same investment.
- 49 b. As used in this subdivision 25:
- 50 "Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a  
51 primary purpose of production, sale, research, or development of a product or service other than the management or investment of

1 capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified  
2 portfolio company" does not include a company that is an individual or sole proprietorship.

3 "Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital  
4 account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment  
5 fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed  
6 to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four  
7 years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent  
8 experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a  
9 similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education,  
10 or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the  
11 investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a  
12 Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its  
13 fund in qualified portfolio companies.

14 26. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision,  
15 the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an  
16 investment in a trust that is managed by an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a  
17 taxpayer who has claimed a subtraction under subdivision C 24 or 25 for the same investment.

18 b. As used in this subdivision 26:

19 "Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

20 "Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

21 "Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the  
22 Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall  
23 register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in  
24 Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department  
25 determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at  
26 such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in  
27 localities that are distressed or double distressed.

28 27. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation  
29 proceedings.

30 28. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$100,000 of all grant funds received by  
31 the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business  
32 and Supplier Diversity.

33 D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to  
34 a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as  
35 follows:

36 1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005,  
37 may be subtracted in the taxable year immediately following the year in which the installment payment is received.

38 2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year  
39 immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the  
40 nine succeeding taxable years.

41 E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

42 F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale  
43 to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of  
44 property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described  
45 under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made  
46 on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter  
47 for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions  
48 established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or  
49 conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the  
50 guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

51 G. For taxable years beginning on and after January 1, 2018, there shall be deducted to the extent included in and not otherwise  
52 subtracted from federal taxable income 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal  
53 Revenue Code. For purposes of this subsection, "business interest" means the same as that term is defined under § 163(j) of the Internal

1 Revenue Code.

2 H. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, there shall be deducted to the extent not  
3 otherwise subtracted from federal taxable income up to \$100,000 of the amount that is not deductible when computing federal  
4 taxable income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

5 **12. § 1. That the General Assembly finds that Esther Thorne (Ms. Thorne) spent more than six years in prison within the**  
6 **Virginia Department of Corrections for crimes she did not commit. On June 1, 2020, the Virginia Court of Appeals found**  
7 **that Ms. Thorne had proven her actual innocence, vacated her convictions, and issued a writ of actual innocence based on**  
8 **non-biological evidence, and her record was subsequently expunged.**

9 **§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$321,587 for the relief of**  
10 **Esther Thorne, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a**  
11 **release of all claims Ms. Thorne may have against the Commonwealth or any agency, instrumentality, office, employee, or**  
12 **political subdivision in connection with the aforesaid occurrence.**

13 **The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum of \$321,587**  
14 **to be paid to Ms. Thorne by check issued by the State Treasurer on warrant of the Comptroller within 60 days**  
15 **immediately following the execution of such release.**

16 **§ 3. That Ms. Thorne shall be entitled to receive career and technical training within the Virginia Community College**  
17 **System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community**  
18 **college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on**  
19 **January 1, 2025.**

20 **§ 4. That any amount already paid to Ms. Thorne as a transition assistance grant pursuant to subsection C of § 8.01-195.11**  
21 **of the Code of Virginia, shall be deducted from any award received pursuant to § 1 of this act.**

22 **§ 5. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.**

23 **13. That § 34-28.3 of the Code of Virginia is amended and reenacted as follows:**

24 **§ 34-28.3. Emergency relief payments exempt.**

25 A. For the purposes of this section, "emergency relief payment" means a 2020 recovery rebate for individuals and qualifying  
26 children provided pursuant to § 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) or any  
27 future federal payments or rebates provided directly to individuals for economic relief or stimulus due to the COVID-19  
28 pandemic.

29 B. All emergency relief payments paid to individuals shall be automatically exempt from the creditor process. Any financial  
30 institution, as defined by § 6.2-100, receiving such payments directly from the federal government shall exempt such payments  
31 from the creditor process if (i) the payment is marked by the federal government as an "emergency relief payment" or includes  
32 some other unique identifier that is reasonably sufficient to allow the financial institution to identify the funds as an emergency  
33 relief payment or (ii) the federal government or account holder receiving the emergency relief payment gives notice to the financial  
34 institution of such payment. In exempting emergency relief payments on deposit from the creditor process, a financial institution  
35 shall look back two months preceding the date of receipt of service of the creditor process. The financial institution shall perform  
36 a one-time account review separately for each account in the name of an account holder who is subject to the creditor process  
37 without consideration for any other attributes of the account or the creditor process, including (a) the presence of other funds, from  
38 whatever source, that may be commingled in the account with funds from an emergency relief payment; (b) the existence of a co-  
39 owner on the account; and (c) the balance in the account, provided the balance is above zero dollars on the date of account review.  
40 After conducting the account review, a financial institution shall exempt from the creditor process the lesser of the sum of all  
41 posted emergency relief payments to an account between the close of business on the beginning date of the lookback period and  
42 the open of business on the ending date of the lookback period or the balance in an account when the account review is performed.

43 If the creditor process involves a court return date, such as a garnishment, and requires a continued hold on the account, including  
44 any deposits made up to the return date, then if an emergency relief payment is deposited into an account after the completion of  
45 the account review but before the creditor process or garnishment return date and the account holder notifies the financial  
46 institution that the deposit of an emergency relief payment has been made, the financial institution must review the account. If the  
47 financial institution verifies that the deposited funds are exempt under this section, then such deposited funds shall be treated as  
48 exempt from the creditor process or garnishment. This second account review shall begin within two business days of receiving  
49 the notice from the account holder and shall cover the period from the start of business on the date of the completion of the  
50 previous account review to the end of business on the date of the notification from the account holder. For any creditor process  
51 that requires a continued hold, such as a garnishment where the account hold must continue until the garnishment return date, the  
52 account holder may access exempt funds by withdrawal as permitted by the financial institution.

53 In its answer to the creditor process, the financial institution shall state the amount of account funds that are being held pursuant to

- 1 the creditor process and the amount of account funds that were treated as exempt under this section.
- 2 A financial institution that makes a good faith effort to comply with the requirements set forth herein shall not be subject to liability or  
3 regulatory action under any state law, regulation, court or other order, or regulatory interpretation for actions concerning any  
4 emergency relief payments.
- 5 Emergency relief payments shall be exempt from the creditor process even if deposited into an account with a financial institution or  
6 other organization accepting deposits and thereby commingled with other funds.
- 7 For the purposes of this section, no such exemption shall extend to child support, spousal support, or criminal restitution orders.
- 8 C. If a financial institution does not set aside an emergency relief payment as exempt from the creditor process, then the accountholder  
9 receiving such payment must claim the exemption within the time limits prescribed by subsection B of § 34-17 and in the manner  
10 prescribed under § 8.01-512.4.
- 11 **14. That the provisions of Item 479.10, paragraphs I.1. and I.2. of Chapter 552, 2021 Acts of Assembly, Special Session I, are no  
12 longer effective upon signing of this act.**
- 13 **15. That the provisions of § 18.2-422 of the Code of Virginia shall not apply to a person wearing a mask to prevent the spread of  
14 COVID-19.**
- 15 **16.a. That upon enactment of this act and through June 30, 2022, no landlord shall terminate a residential tenancy, or take any  
16 action to obtain possession of a dwelling unit, for nonpayment of rent, if the eligible tenant has qualified for unemployment  
17 benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship  
18 during or due, directly or indirectly, to the coronavirus pandemic, except as follows:**
- 19 **1. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall,  
20 pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent  
21 Relief Program and provides the website address and statewide telephone number for that program. The written notice shall  
22 also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and  
23 local rent relief programs.**
- 24 **2. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent shall apply for rental  
25 assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a  
26 payment plan or informs the landlord that they have already applied for rental assistance. The landlord shall apply for rental  
27 assistance on behalf of the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full  
28 amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th  
29 day, or they have entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall  
30 cooperate with the tenant's application, by providing all information and documentation required to complete the application,  
31 including but not limited to the W-9 form and any supporting affidavits. In an initial application, if the landlord or the tenant  
32 does not receive written approval from the Virginia Rent Relief Program or any other federal, state, or local rent relief  
33 program within forty-five days of when a completed application for assistance is made by the tenant or the landlord, the  
34 landlord may proceed to obtain possession of the premise as provided in § 55.1-1251. For any subsequent application, if the  
35 landlord or tenant does not receive written approval from the Virginia Rent Relief Program or any other federal, state, or local  
36 rent relief program within fourteen days of submission of the subsequent completed application, the landlord may proceed to  
37 obtain possession of the premises as provided in § 55.1-1251. If a tenant who has not paid in full or entered into a payment plan  
38 with the landlord within 14 days after the written notice is served refuses to apply for rental assistance and also refuses to  
39 cooperate with the landlord in providing information and documentation required to complete the application made by the  
40 landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer funds available through the  
41 Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) and from the American Rescue Plan Act of 2021  
42 (ARPA) (P.L. 117-2) for rental assistance through the Virginia Rent Relief program, the landlord may take action to obtain  
43 possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.**
- 44 **b. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is participating in the  
45 repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account  
46 as "current" in accordance with the Public Law 116-136: Coronavirus Aid, Relief, and Economic Security Act.**
- 47 **c. If a tenant is complying with a written payment plan with the landlord or has resolved any non-payment of rent, the landlord  
48 cannot take any action to obtain possession of a dwelling unit for non-payment of rent.**
- 49 **d. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those  
50 obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.**
- 51 **e. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to the effective date of this  
52 act; however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for  
53 non-payment of the rent unless the landlord complies with the provisions of this section.**

- 1 f. Notwithstanding any other language to the contrary, should the Governor declare a state of emergency pursuant to § 44-  
2 146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of  
3 the Code of Virginia, and if that declaration specifically provides that the eighth enactment of Chapter 552 of the Acts of  
4 Assembly Special Session I shall supersede the language set forth in enactment sixteen of this act then this sixteenth  
5 enactment shall not be effective so long as such a declared state of emergency remains in effect.
- 6 17.a. That notwithstanding any other provision of law, any permanent or interim legislative study or advisory commission,  
7 committee, or subcommittee, other than a standing committee of the General Assembly to which bills and resolutions are  
8 referred during a legislative session pursuant to Article IV, Section 11 of the Constitution of Virginia, or any executive  
9 advisory board or council may conduct a meeting by electronic communications means without a quorum of the public  
10 body physically assembled at one location if the meeting is being held solely to receive presentations, updates, public  
11 comment, or conduct other forms of information gathering. If a quorum is not physically assembled, the commission,  
12 committee, subcommittee, board, or council shall not take any votes or make any formal recommendations at such  
13 meeting.
- 14 b. Any entity meeting in accordance with this enactment shall comply with all other requirements for conducting a  
15 meeting by electronic means set forth in subsection C of § 2.2-3708.2 of the Code of Virginia.
- 16 c. Should the Governor declare a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a  
17 communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, the provisions of Item 4-  
18 0.01.g. of Chapter 552 of the 2021 Special Session I shall govern the conduct of meetings.
- 19 18.a. That no institution or an agent thereof; athletic association; athletic conference; or other organization with authority  
20 over intercollegiate athletics shall:
- 21 1. Provide a prospective or current student-athlete with compensation for the use of his or her name, image, or likeness;  
22 2. Prohibit or prevent a student-athlete from earning compensation for the use of his or her name, image, or likeness,  
23 except as set forth in this subsection;
- 24 3. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent licensed pursuant  
25 to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1 of the Code of Virginia, or legal representation by an attorney licensed to  
26 practice law in the Commonwealth, for issues related to name, image, or likeness;
- 27 4. Declare ineligible for competition or reduce, cancel or not renew an athletic scholarship because a student-athlete earns  
28 compensation for the use of his or her name, image, or likeness; or
- 29 5. Prevent an institution from participating in intercollegiate athletics because a student-athlete earns compensation for  
30 the use of his or her name, image or likeness, or obtains representation for related issues.
- 31 b. An institution may prohibit a student-athlete from earning compensation for the use of his or her name, image or  
32 likeness while the individual is engaged in academic, official team, or department activities, including competition,  
33 practice, travel, academic services, community service, and promotional activities.
- 34 c. An institution may prohibit a student-athlete from using his or her name, image or likeness to earn compensation if the  
35 proposed use conflicts with an existing agreement between the institution and a third party.
- 36 d. A student-athlete shall be prohibited from earning compensation for the use of his or her name, image or likeness in  
37 connection with any of the following:
- 38 1. Casinos or gambling, including sports betting;  
39 2. Alcohol products;  
40 3. Adult entertainment;  
41 4. Cannabis, cannabinoids, cannabidiol, or other derivatives;  
42 5. Dangerous or controlled substances;  
43 6. Performance enhancing drugs or substances (e.g., steroids, human growth hormone);  
44 7. Drug paraphernalia;  
45 8. Tobacco and electronic smoking products and devices; and  
46 9. Weapons, including firearms and ammunition.
- 47 e. Any agreement entered into by a student athlete that provides compensation for the use of a student-athlete's name,

1 image, or likeness shall be disclosed prior to execution of the agreement by such student-athlete in a manner designated by the  
2 institution the student-athlete is attending. If a student-athlete discloses a potential agreement that conflicts with an existing  
3 institutional agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.

4 f. A student-athlete shall not earn compensation for the use of his or her name, image, or likeness in exchange for attendance at  
5 an institution or pay-for-performance.

6 g. A student-athlete shall not use an institution's facilities or uniforms, or the institution's intellectual property, including logos,  
7 indicia, registered and unregistered trademarks, or products protected by copyright, unless otherwise permitted by the  
8 institution.

9 h. For the purposes of this subsection:

10 "Institution" means a private institution of higher education, associate-degree-granting public institution of higher education,  
11 or baccalaureate public institution of higher education.

12 "Pay-for-performance" means payments and compensation provided to student-athletes that is contingent on the student  
13 athlete's achieving certain performance goals or objectives.

14 "Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

15 19. That § 38.2-3461, § 38.2-3462, § 38.2-3463, § 38.2-3464 shall not apply to a nonprofit group model health maintenance  
16 organization. "Nonprofit group model health maintenance organization" means a health maintenance organization authorized  
17 by Title 38.2, Chapter 43 that:

18 (i) Is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

19 (ii) Contracts with one multispecialty group of physicians who are employed by and shareholders of the multispecialty group;  
and

20 (iii) Provides and arranges for the provision of physician services to patients at medical facilities operated by the health  
21 maintenance organization.

22 20. That for the purposes of the Virginia Overtime Wage Act § 40.1-29.2 the terms "Wages" and "Pay" shall also mean  
23 overtime compensatory time in lieu of wages for overtime pay by public agencies as provided by the Fair Labor Standards Act,  
24 29 U.S.C. §207(o), and the term "Employee" shall not include an individual described in 29 U.S.C. §203(e)(4). In addition to the  
25 provisions of subsection D of § 40.1-29.2 of the Code of Virginia, an employer may assert an exemption to the overtime  
26 requirements for employees who meet any of the exemptions set forth in 29 U.S.C. §213 (a). Employees covered under 29 U.S.C.  
27 §213(b)(10)(A) shall be exempt from the overtime requirements set out in Code of Virginia § 40.1-29.2.

28 21. That notwithstanding Item C-72, Chapter 552, 2021 Acts of Assembly, Special Session I, up to \$25,000,000 of the  
29 \$40,000,000 in Virginia Public Building Authority debt authorized in Item C-72, Chapter 552, 2021 Acts of Assembly, Special  
30 Session 1, may be used by the Virginia Port Authority to fund capital projects for infrastructure improvements necessary to  
31 improve the Portsmouth Marine Terminal to handle loading in and out of large, heavy offshore wind components and serve as  
32 an offshore wind hub; however, such debt may only be issued if the Secretary of Finance, the Secretary of Transportation, and  
33 the Virginia Port Authority Board of Commissioners each approve the capital project or projects.

34 22. That a Phase II Utility shall be prohibited from disconnecting service for non-payment of bills or fees, from the effective  
35 date of this act until March 1, 2022, for any jurisdictional residential customer who has previously demonstrated they received  
36 federal, state, nonprofit entity, or utility payment assistance at any time between January 1, 2019 and July 31, 2021, or as  
37 having a qualified medical account designation with the utility as of July 31, 2021, or as certified by the Virginia Department of  
38 Social Services, which shall work with the utility to provide such certification, as being a recipient of Supplemental Nutrition  
39 Assistance Program (SNAP); Women, Infants, and Children Program (WIC); or Temporary Assistance for Needy Families  
40 (TANF) benefits at any time between January 1, 2019 and July 31, 2021.

41 23. Within 30 days of the effective date of this act, the Department of Motor Vehicles shall submit a report to the Governor and  
42 the General Assembly providing a detailed operating plan for serving walk-in customers at existing Customer Service Centers  
43 in addition to the current appointment reservation system. Within 30 days of submission of the operating plan, the  
44 Commissioner of the Department of Motor Vehicles shall ensure that all Customer Service Centers are open for in-person  
45 walk-in services in accordance with the operating plan.

46 24. That § 58.1-301 of the Code of Virginia is amended and reenacted as follows:

47 § 58.1-301. Conformity to Internal Revenue Code.

48 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States  
49 relating to federal income taxes, unless a different meaning is clearly required.



1 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the  
 2 Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal  
 3 income taxes, as they existed on ~~December 31, 2020~~; *December 31, 2021*, except for:

- 4 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the  
 5 Internal Revenue Code;
  - 6 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
  - 7 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;
  - 8 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the  
 9 discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the  
 10 Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the  
 11 taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-  
 12 taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year  
 13 period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For  
 14 purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other  
 15 deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt  
 16 instrument";
  - 17 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on itemized deductions under  
 18 § 68(f) of the Internal Revenue Code;
  - 19 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and  
 20 after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code  
 21 that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal  
 22 Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed  
 23 for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;
  - 24 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136  
 25 (2020), related to the net operating loss limitation and carryback;
  - 26 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to  
 27 a loss limitation applicable to taxpayers other than corporations;
  - 28 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to  
 29 the limitation on business interest; and
  - 30 10. *For taxable years beginning before January 1, 2021, the* The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2),  
 31 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act,  
 32 P.L. 116-260 (2020), *and §§ 9673(2), 9673(3), 9672(2), and 9672(3) of the federal American Rescue Plan Act, P.L. 117-2 (2021)*  
 33 related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.
- 34 The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this  
 35 section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et  
 36 seq.).

37 **25. That § 58.1-339.8 of the Code of Virginia is amended and reenacted as follows:**

38 **§ 58.1-339.8. Income tax credit for low-income taxpayers.**

39 A. As used in this section, unless the context requires otherwise:

40 "Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an individual, the individual's  
 41 spouse, and any person claimed as a dependent on the individual's or his spouse's income tax return for the taxable year.

42 "*Household*" means an individual, or in the case of married persons, an individual and his spouse, regardless of whether or not  
 43 the individual and his spouse file combined or separate Virginia individual income tax returns.

44 "Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in  
 45 the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus  
 46 Budget Reconciliation Act of 1981.

47 "Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.

48 B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a joint return whose family  
 49 Virginia adjusted gross income does not exceed 100 percent of the poverty guideline amount corresponding to a household of an  
 50 equal number of persons as listed in the poverty guidelines published during such taxable year, shall be allowed a *nonrefundable*

1 credit against the tax levied pursuant to § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and any  
 2 person claimed as a dependent on the individual's or married individuals' income tax return for the taxable year. For any taxable year in  
 3 which married individuals file separate Virginia income tax returns, the credit provided under this section shall be allowed against the  
 4 tax for only one of such two tax returns. Additionally, the credit provided under this section shall not be allowed against such tax of a  
 5 dependent of the individual or of married individuals.

6 2. For taxable years beginning on and after January 1, 2006, any individual or married individuals, eligible for a tax credit pursuant to §  
 7 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision B 1, claim a *nonrefundable*  
 8 credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or  
 9 married individuals for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable year. In no case  
 10 shall a household be allowed a credit pursuant to this subdivision and subdivision B 1 or 3 for the same taxable year.

11 3. For taxable years beginning on and after January 1, 2022, any individual or married persons, eligible for a tax credit pursuant to §  
 12 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision 1 or 2, claim a *refundable*  
 13 credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 15 percent of the credit claimed by the individual or  
 14 married persons for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable year. The *refundable*  
 15 credit shall be claimed on the Virginia income tax return and redeemed by the Tax Commissioner. In no case shall a household be  
 16 allowed a credit pursuant to this subdivision and subdivision 1 or 2 for the same taxable year.

17 For the purpose of this subdivision, "household" means an individual and, in the case of married individuals, the individual and his  
 18 spouse regardless of whether or not the individual and his spouse file combined or separate Virginia individual income tax returns.

19 C. The amount of the credit provided claimed pursuant to subsection subdivision B 1 and B 2, or in the case of a nonresident or a  
 20 person to which § 58.1-303 applies, subdivision B 3, for any taxable year shall not exceed the individual's or married individuals'  
 21 Virginia income tax liability.

22 D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to subsection B in any taxable year in which  
 23 the individual, the individual's spouse, or both, or any person claimed as a dependent on such individual's or married individuals'  
 24 income tax return, claims one or any combination of the following on his or their income tax return for such taxable year:

25 1. The subtraction under subdivision 8 of § 58.1-322.02;

26 2. The subtraction under subdivision 15 of § 58.1-322.02;

27 3. The subtraction under subdivision 16 of § 58.1-322.02;

28 4. The deduction for the additional personal exemption for blind or aged taxpayers under subdivision 2 b of § 58.1-322.03; or

29 5. The deduction under subdivision 5 of § 58.1-322.03.

30 26. That the provisions of the twenty-fifth enactment of this Act shall apply for taxable years beginning on and after January 1,  
 31 2022.

32 2427. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.

33 2528. That the provisions of the first, second, third, fourth, sixth, seventh, eighth, twelfth, fourteenth, fifteenth, seventeenth,  
 34 eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth *twenty-seventh* enactments of  
 35 this act shall expire at midnight on June 30, 2022.

36 2629. That the provisions of the sixteenth enactment of this act shall expire at midnight on June 30, 2022 unless: 1) there are no  
 37 funds available for the Virginia Rent Relief program from the Coronavirus Aid, Relief, and Economic Security (CARES) Act  
 38 (P.L.116-136) and from the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2), or 2) the provisions of paragraph f. of the  
 39 sixteenth enactment of this act becomes effective.

40 2730. That the provisions of the fifth, ninth, tenth, eleventh, and thirteenth, *twenty-fourth, twenty-fifth, and twenty-sixth*  
 41 enactments of this act shall have no expiration date

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