

2023 RECONVENED SESSION

REENROLLED

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HB1400ER2

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act to amend and reenact Enactment 1 and Items 267, 269, and 341 of Chapter 2 of the Acts of Assembly of 2022, Special Session I, which appropriates the public revenues for two years ending, respectively, on June 30, 2023, and June 30, 2024, and to amend Chapter 2 of the Acts of Assembly of 2022, Special Session I, which appropriates the public revenues for two years ending, respectively, on June 30, 2023, and June 30, 2024, by adding items numbered 138.10, 486.10, C-36.50, and C-79.50, relating to general appropriation act.

[H 1400]

Approved

Be it enacted by the General Assembly of Virginia:
1. That Enactment 1 and Items 267, 269, and 341 of Chapter 2 of the Acts of Assembly of 2022, Special Session I are amended and reenacted and that Chapter 2 of the Acts of Assembly of 2022, Special Session I is amended and reenacted by adding items numbered 138.10, 486.10, C-36.50, and C-79.50, as follows:

§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	\$4,733,050,478	\$0	\$4,733,050,478
Balance	\$10,684,532,497	-	\$10,684,532,497
Additions to Balance	\$1,440,246,365	(\$500,000)	\$1,439,746,365
	(\$3,078,628,035)	\$405,452,425	(\$2,673,175,610)
Official Revenue Estimates	\$24,871,345,500	\$27,263,014,900	\$52,134,360,400
	\$24,871,135,500	\$27,286,414,900	\$52,157,550,400
Transfer	\$714,716,804	\$733,205,420	\$1,447,922,224
Total General Fund Resources	\$31,759,359,147	\$27,995,720,320	\$59,755,079,467
Available for Appropriation	\$33,191,756,766	\$28,425,072,745	\$61,616,829,511

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

	First Year	Second Year	Total
Balance, June 30, 2022	\$8,383,240,878	\$0	\$8,383,240,878
Official Revenue Estimates	\$45,429,302,663	\$45,043,705,919	\$90,473,008,582
Lottery Proceeds Fund	\$784,671,715	\$764,671,715	\$1,549,343,430
Internal Service Fund	\$2,404,388,342	\$2,413,968,065	\$4,818,356,407
Bond Proceeds	\$157,296,000	\$0	\$157,296,000
Total Nongeneral Fund Revenues Available for Appropriation	\$57,158,899,598	\$48,222,345,699	\$105,381,245,297
TOTAL PROJECTED REVENUES	\$88,918,258,745	\$76,218,066,019	\$165,136,324,764
	\$90,350,656,364	\$76,647,418,444	\$166,998,074,808

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

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

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

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

64 B. "Previous biennium" means the period from the first day of July two thousand twenty, through the
65 thirtieth day of June two thousand twenty-two, inclusive.

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

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

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

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

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

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

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

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

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

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

87 **BIENNIUM 2022 - 24**

	General Fund	Nongeneral Fund	Total
88 OPERATING	\$57,589,938,865	\$101,887,858,668	\$159,477,797,533
89 EXPENSES			
90			
91 LEGISLATIVE	\$58,519,699,502	\$101,892,431,498	\$160,412,131,000
92 DEPARTMENT	\$235,368,778	\$10,164,648	\$245,533,426
93 JUDICIAL	\$1,164,608,959	\$75,913,598	\$1,240,522,557
94 DEPARTMENT			
95 EXECUTIVE	\$56,156,398,852	\$99,483,361,090	\$155,639,759,942
96 DEPARTMENT			
97			
98 INDEPENDENT	\$57,086,159,489	\$99,487,933,920	\$156,574,093,409
99 AGENCIES	\$33,562,276	\$2,318,419,332	\$2,351,981,608
100 STATE GRANTS TO			
101 NONSTATE AGENCIES	\$0	\$0	\$0
102 CAPITAL OUTLAY	\$2,149,179,488	\$1,134,983,221	\$3,284,162,709
103 EXPENSES	\$2,249,179,488		\$3,384,162,709
104 TOTAL	\$59,739,118,353	\$103,022,841,889	\$162,761,960,242
105	\$60,768,878,990	\$103,027,414,719	\$163,796,293,709
106			
107			

108 § 8. This chapter shall be known and may be cited as the "2022 2023 Appropriation Act."

	First Year FY2023	Item Details(\$) Second Year FY2024	Appropriations(\$) Second Year FY2024
109 267. Revenue			\$1,127,733,028
110 Stabilization			\$0\$405,952,425
111 Fund (73500)			
112 Payments to the	\$1,127,733,028	\$0\$405,952,425	
113 Revenue			
114 Stabilization			
115 Fund (73501)			
116 Fund Sources:			
117 General	\$1,127,733,028	\$0\$405,952,425	
118			
119			

120 Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

121 A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the
122 General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor

123 shall, at the same time, provide his report on the 15 percent limitation and the amount that could be
 124 paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the
 125 Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

126 B. Out of this appropriation, \$1,127,733,028 the first year from the general fund attributable to actual
 127 tax collections for fiscal year 2021 shall be paid by the State Comptroller on or before June 30, 2023,
 128 into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount is based on
 129 the certification of the Auditor of Public Accounts of actual tax revenues for fiscal year 2021. This
 130 appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of
 131 Virginia.

132 C. 1. Notwithstanding the provisions of subsection E of § 2.2-1829 and subsection F of § 2.2-1831.3,
 133 Code of Virginia, through June 30, 2024, the combined amount in the Revenue Stabilization Fund and
 134 the Revenue Reserve Fund shall not exceed 20 percent of the Commonwealth's average annual tax
 135 revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts
 136 for the three fiscal years immediately preceding.

137 2. The Secretary of Finance shall prepare a report to include recommendations for consideration of
 138 any adjustments to, or a removal of, the existing cap on the combined balance of the Revenue
 139 Stabilization Fund and the Revenue Reserve Fund, pursuant to subsection E of § 2.2-1829 and
 140 subsection F of § 2.2-1831.3, Code of Virginia, which shall be delivered to the Governor and the Chairs
 141 of the House Appropriations Committee and Senate Finance and Appropriations Committee by
 142 September 1, 2022.

143 *D.1. Out of this appropriation, \$405,952,425 the second year from the general fund attributable to
 144 actual tax collections for fiscal year 2022 shall be paid by the State Comptroller on or before June 30,
 145 2024, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia.*

146 2. *Notwithstanding the provisions of § 2.2-1831.3 and § 2.2-1831.4, Code of Virginia, the State
 147 Comptroller shall transfer \$498,700,000 from the Revenue Reserve Fund to the Revenue Stabilization
 148 Fund on or before June 30, 2024. This amount was provided in Chapter 1, 2022 Acts of Assembly,
 149 Special Session I, as an advanced reservation for the mandatory deposit to the Revenue Stabilization
 150 Fund required in fiscal year 2024.*

151 3. *The combined total of the actions authorized in this paragraph, \$904,652,425, is based on the
 152 certification of the Auditor of Public Accounts of actual tax revenues for fiscal year 2022. These actions
 153 meet the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.*

		Item Details(\$)		Appropriations(\$)	
		First Year	Second Year	First Year FY2023	Second Year FY2024
		FY2023	FY2024		
154					
155					
156					
157	269. Personnel			\$31,359,934	\$31,359,934
158	Management				
159	Services (70400)				
160	Administration of	\$250,000,000	\$0		
161	Retirement and				
162	Insurance				
163	Programs (70415)				
164	Employee Flexible	\$31,359,934	\$31,359,934		
165	Benefits Services				
166	(70420)				
167	Fund Sources:				
168	General	\$250,000,000	\$0		
169	Trust and Agency	\$31,359,934	\$31,359,934		
170					

171 Authority: Title 2.2, Chapter 8, Code of Virginia.

172 Pursuant to the amounts contingently appropriated in Item 485, paragraph L of this act, on or
 173 before June 30, 2023, the State Comptroller shall deposit \$250,000,000 from the general fund into the
 174 Virginia Retirement System trust fund. The Virginia Retirement System shall allocate these funds in the
 175 following manner in an effort to address the unfunded liabilities associated with each plan:

- 176 1. An amount estimated at \$73,052,105 to the state employee plan.
- 177 2. An amount estimated at \$147,457,029 to the public school teacher plan.
- 178 3. An amount estimated at \$3,652,605 to the State Police Officers' Retirement System.
- 179 4. An amount estimated at \$6,628,802 to the Virginia Law Officers' Retirement System.
- 180 5. An amount estimated at \$2,083,338 to the Judicial Retirement System.
- 181 6. An amount estimated at \$2,840,915 to the health insurance credit plan for state employees.
- 182 7. An amount estimated at \$4,004,338 to the health insurance credit plan for public school teachers.
- 183 8. An amount estimated at \$10,146,126 to the group life insurance plan.
- 184 9. An amount estimated at \$91,992 to the health insurance credit plan for Constitutional Officers
 185 and their employees.

186 10. An amount estimated at \$40,585 to the health insurance credit plan for local social services
 187 employees.

188 11. An amount estimated at \$2,165 to health insurance credit plan for the Registrars and their
 189 employees.

		Item Details(\$)		Appropriations(\$)	
		First Year FY 2023	Second Year FY 2024	First Year FY 2023	Second Year FY 2024
194	341. Financial Assistance for Self-Sufficiency Programs and Services (45200)			\$154,487,484	\$155,158,373
199				\$163,668,940	\$161,265,129
200	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201)	\$85,759,181	\$86,357,163		
205	Temporary Assistance for Needy Families (TANF) Employment Services (45212)	\$17,045,689	\$17,045,689		
211	Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Services (45213)	\$2,205,341	\$2,205,341		
218	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214)	\$38,707,424	\$38,707,424		
223	At-Risk Child Care Subsidies (45215)	\$2,864,671	\$2,864,671		
225	Unemployed Parents Cash Assistance (45216)	\$7,905,178	\$7,978,085		
227		\$17,086,634	\$14,084,841		
229	Fund Sources:				
230	General	\$82,548,802	\$82,621,709		
231		\$91,730,258	\$88,728,465		
232	Federal Trust	\$71,938,682	\$72,536,664		

233 Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI,
 234 Subtitle B, P.L. 97 -35, as amended; P.L. 103 -252, as amended; P.L. 104 -193, as amended, Federal
 235 Code.

236 A. It is hereby acknowledged that as of June 30, 2021 there existed with the federal government an
 237 unexpended balance of \$130,397,626 in federal Temporary Assistance for Needy Families (TANF) block
 238 grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in
 239 accordance with the adopted State Plan for the TANF program. Based on projected spending levels and
 240 appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block
 241 grant funds is estimated at \$79,652,390 on June 30, 2022; \$49,119,392 on June 30, 2023; and
 242 \$17,988,412 on June 30, 2024.

243 B. No less than 30 days prior to submitting any amendment to the federal government related to the
 244 State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the
 245 Department of Social Services shall provide the Chairmen of the House Appropriations and Senate
 246 Finance an Appropriations Committees as well as the Director, Department of Planning and Budget
 247 written documentation detailing the proposed policy changes. This documentation shall include an
 248 estimate of the fiscal impact of the proposed changes and information summarizing public comment that
 249 was received on the proposed changes.

250 C. Notwithstanding any other provision of state law, the Department of Social Services shall

251 maintain a separate state program, as that term is defined by federal regulations governing the
 252 Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of
 253 providing welfare cash assistance payments to able-bodied two-parent families. The separate state
 254 program shall be funded by state funds and operated outside of the TANF program. Able-bodied
 255 two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31
 256 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph.
 257 Although various conditions and eligibility requirements may be different under the separate state
 258 program, the basic benefit payment for which two-parent families are eligible under the separate state
 259 program shall not be less than what they would have received under TANF. The Department of Social
 260 Services shall establish regulations to govern this separate state program.

261 D. As a condition of this appropriation, the Department of Social Services shall disregard the value
 262 of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary
 263 Assistance for Needy Families (TANF) program and in the separate state program for able-bodied
 264 two-parent families.

265 E. The Department of Social Services, in collaboration with local departments of social services,
 266 shall maintain minimum performance standards for all local departments of social services participating
 267 in the Virginia Initiative for Education and Work (VIEW) program. The department shall allocate VIEW
 268 funds to local departments of social services based on these performance standards and VIEW caseloads.
 269 The allocation formula shall be developed and revised in cooperation with the local social services
 270 departments and the Department of Planning and Budget.

271 F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is
 272 terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or
 273 due to the closure of the TANF case prior to the completion of 24 months of TANF assistance,
 274 excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Education and
 275 Work program, shall be eligible to receive employment and training assistance for up to 12 months after
 276 termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of
 277 Virginia.

278 G. The Department of Social Services, in conjunction with the Department of Correctional Education,
 279 shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for
 280 non-custodial incarcerated parent offenders committed to the Department of Corrections, including but
 281 not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages,
 282 State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative
 283 Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new
 284 grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block
 285 grant program.

286 H. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from the
 287 general fund shall be provided to support state child care programs.

288 I. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the first year and
 289 \$4,800,000 the second year from the federal Temporary Assistance to Needy Families (TANF) block
 290 grant to provide to each TANF recipient with two or more children in the assistance unit a monthly
 291 TANF supplement equal to the amount the Division of Child Support Enforcement collects up to \$200,
 292 less the \$100 disregard passed through to such recipient. The TANF child support supplement shall be
 293 paid within two months following collection of the child support payment or payments used to
 294 determine the amount of such supplement. For purposes of determining eligibility for medical assistance
 295 services, the TANF supplement described in this paragraph shall be disregarded. In the event there are
 296 sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the
 297 Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to
 298 provide the TANF supplement described in this paragraph.

299 J. The Board of Social Services shall combine Groups I and II for the purposes of Temporary
 300 Assistance to Needy Families cash benefits and use the Group II rates for the new group.

301 K. The Department of Social Services shall develop a plan to increase the standards of assistance by
 302 10 percent annually until they equal 50 percent of the federal poverty level.

303 L.1. The Department of Social Services (DSS) and the Department of Education (DOE) shall ensure
 304 that the Temporary Assistance for Needy Families (TANF) Virginia Initiative for Employment and Work
 305 (VIEW) mandated child care forecast is funded through a combination of general fund, TANF, and
 306 Child Care Development Fund (CCDF) grant dollars. The amount of needed CCDF dollars identified in
 307 the Memorandum of Agreement (MOA) between the agencies shall be transferred from DOE to DSS
 308 within the first thirty days of the fiscal year. DSS shall notify DOE of the required amount of the next
 309 fiscal year transfer upon the enrollment of the budget. This amount shall reflect the need identified in
 310 the official forecast as well as changes resulting from actions in the final budget.

311 2. The MOA shall reflect the full cost of the VIEW mandated child care program. From this amount,

312 \$38,707,424 the first year and \$38,707,424 the second year is appropriated at DSS and the balance shall
 313 be transferred from DOE from the CCDF grant to support the VIEW mandated child care program as
 314 specified in L.1.

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

321 N. The Department of Social Services shall increase the Temporary Assistance for Needy Families
 322 (TANF) cash benefits and income eligibility threshold by five percent effective July 1, 2022.

323 *486.10 Central Appropriations*

324 *1. Notwithstanding the provisions of Item 486 of this act, the funding provided pursuant to*
 325 *paragraph A.2.1.1) of Item 486 shall be reallocated in the following manner:*

326 *2. \$28,057,684 in the first year to the Department of Medical Assistance Services (602) to procure a*
 327 *one-time vendor to assist in the redetermination of Medicaid enrollees over the twelve months following*
 328 *the end of the federal continuous Medicaid coverage requirement.*

329 *3. \$10,000,000 in the first year to the Department of Social Services (765) to cover the one-time cost*
 330 *of supporting local departments of social services staff with efforts to perform benefit program*
 331 *redeterminations and appeals work in the twelve months following the end of the federal continuous*
 332 *Medicaid coverage requirement.*

333 *4. All funds allocated in paragraphs 2 and 3 shall only be used to support one-time eligibility*
 334 *redetermination efforts necessary to meet federal post public health emergency (unwinding)*
 335 *requirements. Prior to the transfer of any funds, impacted agencies shall provide the Department of*
 336 *Planning and Budget and Task Force on Eligibility Redetermination with an accounting of all agency*
 337 *unwinding activities and how any transferred funds will supplement those efforts.*

338 *C-36.50 Education*

339 *After the Governor has certified that the U.S. Department of Energy has approved a project to*
 340 *establish a high performance data facility associated with the Thomas Jefferson National Accelerator*
 341 *Facility (Jefferson Lab), the Director, Department of Planning and Budget, shall approve a short-term,*
 342 *interest-free, state-supported treasury loan in the amount of \$43,305,379 to the Southeastern Universities*
 343 *Research Association Doing Business for Jefferson Science Associates, LLC., to construct the*
 344 *infrastructure and a building in support of said high performance data facility. The Secretary of Finance*
 345 *shall issue guidelines on regular reporting required for the use of these funds if the contingency is met.*

		<i>Item Details(\$)</i>		<i>Appropriations(\$)</i>	
		<i>First Year</i>	<i>Second Year</i>	<i>First Year FY2023</i>	<i>Second Year FY2024</i>
		<i>FY2023</i>	<i>FY2024</i>		
349	<i>C-79.50</i>			<i>\$100,000,000</i>	<i>\$0</i>
350	<i>2022 Capital</i>				
351	<i>Supplement Pool</i>				
352	<i>(18646)</i>				
353	<i>Fund Sources:</i>				
	<i>General</i>	<i>\$100,000,000</i>	<i>\$0</i>		

354 *A. Included in this Item is \$100,000,000 the first year from the general fund that is designated for*
 355 *project supplements to address shortfalls for projects and central capital construction pools.*

356 *1. In fulfillment of the requirement in paragraph L, Item 485 of this act, there is included*
 357 *\$100,000,000 from the general fund in the first year.*

358 *2. Funding provided in this Item and remaining from Item C-69.60 of Chapter 1, 2022 Acts of*
 359 *Assembly, Special Session I, may be transferred and used for the purposes described in paragraph B. of*
 360 *this Item, pursuant to the approval process and requirements in paragraph C. of this Item.*

361 *B.1. Notwithstanding § 2.2-1519 E.1., Code of Virginia., funding may be used to address shortfalls*
 362 *for capital projects that (i) were previously authorized for construction in a central construction pool*
 363 *subject to the process delineated in § 2.2-1515 et. seq., Code of Virginia; (ii) have satisfied the*
 364 *requirements of § 2.2-1519 C. and E.2., Code of Virginia; and (iii) have received a funding report from*
 365 *the Department of General Services prior to April 1, 2022.*

366 *2. Funding may be used for projects, within the limits of the 105 percent cost threshold set forth in*
 367 *§ 2.2-1519 E.1., Code of Virginia, that (i) were authorized for construction in a central construction*
 368 *pool subject to the process delineated in § 2.2-1515 et. seq., Code of Virginia; (ii) have satisfied the*
 369 *requirements of § 2.2-1519 C. and E.2., Code of Virginia; and (iii) had not received a funding report as*
 370 *of April 1, 2022.*

371 *3. Funding may be used to address shortfalls for projects that have been authorized in an*
 372 *Appropriation Act or other authorizing legislation for construction that were not budgeted in a central*
 373 *construction pool, provided that the agency is unable to use additional value engineering or reduce the*

374 size or scope of the project to remain within available appropriation while meeting the original
 375 programmatic intent of the appropriation.

376 4. Funding may be used to address shortfalls in central capital construction pools that have
 377 insufficient funding remaining to meet the outstanding needs of projects authorized within a given pool.

378 C.1. A transfer authorized by this Item may only be effectuated if (i) the Director of the Department
 379 of Planning and Budget provides notice of the amount and purpose of any such proposed transfer to the
 380 Six-Year Capital Outlay Plan Advisory Committee; and (ii) no member of the committee or their
 381 designee objects, in writing or via email, to the transfer within 14 days of receiving such notice. If an
 382 objection is received, the committee may discuss such proposed transfer at its next meeting and vote as
 383 to whether to recommend such transfer.

384 2. Specific project allocations for transfer from this Item shall be based upon recommendations from
 385 the Department of General Services.

386 3. Supplemental amounts determined in accordance with paragraph B.1., B.2., and B.3. of this Item
 387 shall be adjusted to match the proportion of a project's total cost supported by general fund as set forth
 388 in the funding report, Appropriation Act, or other authorizing legislation.

389 4. After receiving funds pursuant to paragraphs B.1. or B.3. of this Item, projects shall comply with
 390 the provisions of paragraph K. of § 2.0 of this act.

391 *Direct Aid to Public Education*

		Item Details(\$)		Appropriations(\$)	
		First Year FY2023	Second Year FY2024	First Year FY2023	Second Year FY2024
392	138.10			\$132,813,671	\$130,279,159
393					
394					
395	State Education				
396	Programs (17700)				
397	Distribution of State	\$132,813,671	\$130,279,159		
398	Education Assistance				
399	(17701) Fund Sources:				
400	General	\$132,703,671	\$125,816,329		
401	Special	\$110,000	\$125,000		
402	Trust and Agency	\$0	\$4,337,830		

403 *A. The appropriations within this agency shall be adjusted as follows:*

General Fund		First Year FY2023	Second Year FY2024
404	Appropriations		
405	Update Average Daily	\$28,389,627	\$42,826,514
406	Membership		
407	projections based on		
408	Fall Membership		
409	Update costs of	\$1,233,501	\$1,241,783
410	Categorical programs		
411	Update costs of	(\$16,271,483)	(\$6,450,403)
412	Incentive programs		
413	Update Fall	\$97,384	\$214,336
414	Membership data in		
415	Direct Aid program		
416	formulas		
417	Update Lottery	\$9,499,460	(\$4,337,838)
418	proceeds for public		
419	education		
420	Update program	\$9,139,785	\$9,139,785
421	participation for		
422	Remedial Summer		
423	School		
424	Update sales tax	\$0	(\$93,912)
425	distribution for school		
426	age population		
427	Update sales tax	\$90,474,422	\$77,507,889
428	revenue for public		
429	education		
430	Update Supplemental	(\$335,000)	\$0
431	Education accounts		
432	Update the cost of	(\$104,903)	\$0
433	Lottery-funded		
434	programs		
435	Update the state cost	\$2,147,022	\$4,647,991
436	for English as a		
437	Second Language		
438			

439	Update Academic Year	\$1,104,051	\$1,120,184
440	Governor's School per		
441	pupil amounts		
442	Use Lottery fund	(\$9,499,465)	\$0
443	balances to support		
444	existing appropriation		
445	General Fund Total:	\$115,874,401	\$125,816,329
446			
447	Nongeneral Fund	First Year FY2023	Second Year FY2024
448	Appropriations		
449	Increase nongeneral	\$110,000	\$125,000
450	fund appropriation for		
451	Summer Residential		
452	Governor's World		
453	Language Academies		
454	Update Lottery	(\$9,499,462)	\$4,337,830
455	proceeds for public		
456	education		
457	Use Lottery fund	\$9,499,462	\$0
458	balances to support		
459	existing appropriation		
460	Nongeneral Fund	\$110,000	\$4,462,830
461	Total:		

462 B. Out of this appropriation, \$16,829,270 the first year from the general fund is provided to ensure
463 that the sum of basic aid and sales tax payments a school division receives in fiscal year 2023 is at
464 least the sum of basic aid and sales tax payments that was communicated to school divisions in
465 Superintendents Memo #133-22.

466 **2. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.**