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# VIRGINIA STATE BUDGET

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1998 Special Session I

## Budget Bill - HB4001 (Introduced)

Bill Order » Office of Finance » Item 292

Department of Taxation

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### Item 292

First Year - FY1999

Second Year - FY2000

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#### Federal Retiree Tax Reserve (73100)

\$62,467,466

\$0

#### Fund Sources:

General

\$62,467,466

\$0

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Authority: Chapter 5, 1994 Special Session I, Acts of Assembly, Chapters 47, 185, and 203, 1995 Acts of Assembly, and Chapter 719, 1996 Acts of Assembly.

1. Notwithstanding any other provision of law, on or before July 31, 1998, the State Comptroller shall make the following payments from this appropriation:

a. \$61,190,095 the first year into the Federal Retiree Tax Reserve I created pursuant to Enactment No. 2, §§ 1 B and 3 B of Chapter 5 of the 1994 Acts of Assembly, Special Session I, less an amount estimated at \$71,185 the first year, which is to be transferred to the general fund in accordance with § 3-1.01 of this act. The amount of \$71,185 is attributable to taxpayers who waived payments pursuant to Enactment No. 2, § 1 F 2 and F 3, of the cited Chapter. The amount of this payment is in accordance with Paragraph 4 of this item.

b. \$969,181 the first year into the Federal Retiree Tax Reserve II created pursuant to Enactment No. 1, § 1 3, of Chapters 185 and 203 of the 1995 Acts of Assembly.

c. \$308,190 the first year into the Federal Retiree Tax Reserve III, created pursuant to Chapter 719 of the 1996 Acts of Assembly, and notwithstanding Enactment No. 1, § 1 3 of said Chapter. Should actual payments made from the Federal Retiree Tax Reserve III on September 30, 1998, and March 31, 1999, as necessary, exceed this amount, the Director of the Department of Planning and Budget is authorized to transfer the required amount from the unappropriated general fund balance in this act or, upon written approval of the Governor, from unobligated balances in other items in this act for Executive Department agencies other than those of the institutions of higher education, to ensure that payments are made to claimants. Should actual payments made from the Federal Retiree Tax Reserve III on September 30, 1998, and March 31, 1999, as necessary, be less than the appropriated amount, the excess shall revert to the general fund on June 30, 1999.

2. It is the intent of the General Assembly that all funds necessary to make the required payments be from revenues collected during the fiscal year 1999. However, earnings on investments of the reserves related to the Federal Retiree Tax Reserve I and Reserve II shall be credited to the reserves as if the payments had been made on July 1, 1998.

3.a. All earnings on investment of the reserves related to the Federal Retiree Tax Reserve I and Reserve II shall be held in the reserves and reinvested and used to make the final payments to taxpayers on September 30, 1998, and March 31, 1999, as necessary. Notwithstanding the provisions of Chapter 5 cited above, effective July 1, 1996, earnings related to the Federal Retiree Tax Reserve I and Reserve II shall be calculated at a rate equal to the composite yield on the General Account of the Commonwealth, as calculated monthly by the Department of the Treasury, or at a rate of 4%, whichever is greater. The Department of Accounts will retroactively credit interest to

the reserves at a rate equal to the composite yield since inception of the funds.

b. The Director of the Department of Planning and Budget is authorized to increase the appropriations for Federal Retiree Tax Reserve I and Federal Retiree Tax Reserve II to accommodate the final payment of interest to be made no later than March 31, 1999.

4. It is hereby acknowledged that the special litigation reserve fund established by Chapter 47 of the 1995 Acts of Assembly is rendered unnecessary by the decision of the Supreme Court of Virginia on September 15, 1995, in the case of Harper et al. vs Virginia Department of Taxation. The above appropriation for the Federal Retiree Tax Reserve I therefore excludes \$8,809,905 the first year from the sum of \$70,000,000 specified in Enactment No. 1, §§ 1 B and 3 B of the cited Chapter 5. Such amount reflects the claims of taxpayers opting out of the settlement which would have been deposited into the special litigation reserve fund had such litigation not been resolved.