
VIRGINIA STATE BUDGET

2009 Session

Budget Bill - HB1600 (Chapter 781)

Bill Order » Central Appropriations » Item 473

Central Appropriations

Item 473	First Year - FY2009	Second Year - FY2010
Payments for Special or Unanticipated Expenditures (75800)	\$22,956,806 \$26,877,525	\$43,016,406 \$2,414,250
Miscellaneous Contingency Reserve Account (75801)	\$1,500,000	\$1,500,000 \$300,000
Economic Development Assistance (75804)	\$3,300,000	\$11,400,000 \$0
Base Realignment and Closure Assistance (75805)	\$7,500,000	\$19,500,000 \$0
Undistributed Support for Designated State Agency Activities (75806)	\$10,656,806 \$14,577,525	\$10,616,406 \$2,114,250
Fund Sources:		
General	\$22,956,806 \$26,877,525	\$43,016,406 \$2,414,250

Authority: Discretionary Inclusion.

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

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

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

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

a. Agencies in the Legislative and Judicial Departments;

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

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this Item is included \$1,200,000 ~~each year~~ *in the first year* from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

1. To address the six conditions listed in § 4-1.03 c 5 of this act.

2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.

3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.

4. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.

5. In addition, if the amounts appropriated in this item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 in the first year and \$1,000,000 in the second year from the general fund amounts appropriated for the Governor's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.4. of this item.

6. To make additional payments to public institutions of higher education pursuant to Item 467 of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that purpose are insufficient.

7. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.

E. Included in this appropriation is \$300,000 each year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 56, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 56,

Paragraph B of this act.

F. Any unexpended balance remaining in this Item on June 30, 2009, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the second year of the current biennium. Any unexpended balance remaining in this Item on June 30, 2010, shall be carried forward on the books of the Comptroller and shall be available for expenditures in the next biennium.

G. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.

H.1. Out of the appropriation for this Item, \$7,500,000 in the first year ~~and \$19,500,000 the second year~~ from the general fund is included to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC) which were subsequently agreed to by the President and the United States' Congress. Grants allocated from this appropriation shall be aimed at fostering collaborative efforts among state agencies, local governments and regional entities to address quantifiable costs or impacts resulting from specific actions to implement the recommendations of the BRAC or to protect the Commonwealth's strategic, homeland security, and economic interests in response to such implementation and similar actions. Individual grants may be for either operating or capital expenses but shall be matched by either cash or in-kind contributions. Moreover, no grant shall be used to supplant funding currently provided by other levels of government or by private sources. *The Governor shall restore \$19,500,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009.*

2. Notwithstanding 1.B of Chapter 266 of the 2006 Acts of Assembly, any locality in which a United States Navy Master Jet Base is located may use state and local funds set aside for this purpose and administered by the Virginia National Defense Industrial Authority to mitigate adverse affects on any military operations caused by the encroachment of incompatible land uses.

3. The Governor shall approve all grants from this appropriation based on a written evaluation of the proposals received. The evaluation shall be prepared by staff from the Office of Commonwealth Preparedness, the Office of the Secretary of Commerce and Trade, the Office of the Secretary of Finance and the Virginia National Defense Industrial Authority, and among other factors, shall consider the significance of the impact being addressed, the likelihood that the proposal will achieve its intended objective, and the amount and type of commitment to match state funds. In allocating state funds, priority shall be given first to any locality in which a United States Navy Master Jet Base is located, to assist in the retention of the Defense Advanced Research Projects Agency to assist in improvements resulting from the expansion of Fort Lee, and then to proposals which have regional impact. From the amounts provided in paragraph H.1. of this item, \$10,000,000 in the second year shall be provided to assist in the retention of DARPA and \$2,000,000 in the second year shall be provided for improvements related to the expansion of Fort Lee. The Governor shall notify the chairmen of the House Appropriations Committee and the Senate Finance Committee of the recipient and the purpose of each approved grant at least 15 days prior to the actual distribution of funds.

I. It is the intent of the General Assembly to fulfill the commitment made to provide incentive payments for the location of a research-related entity in accordance with the time frames set out in § 2.2-2240.1 D, Code of Virginia.

J. Out of the appropriation for this Item, the Governor is authorized to expend \$1,300,000 the first year ~~and \$9,400,000 the second year~~ from the general fund to provide an incentive for the location of an aerospace engine manufacturer to the Commonwealth. *The Governor shall restore \$9,400,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009.*

K.1. ~~Out of the appropriation for this Item, \$1,151,352 in the first year and \$1,110,952 in the second year from the general fund is provided for the increased cost of rent payments for state agencies under the Department of General Services rent plan at the Seat of Government.~~

21. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies and between agencies as required, based upon new rental rates approved by the Joint Legislative Audit and Review Commission.

L. Out of the appropriation for this Item, up to ~~\$9,505,454~~ *\$13,005,454* the first year and ~~\$9,505,454~~ the second year from the general fund is provided to state agencies for costs incurred as the result of ~~new~~ *changes to* decentralized *services and other* rates for information technology services charged by the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies based upon information provided by the Virginia Information Technologies Agency. Also, the Director, Department of Planning and Budget, is authorized to transfer funds between Executive Branch agencies based on these ~~new~~ decentralized rates approved by the Joint Legislative Audit and Review Commission. Transfers may be made if current funding exceeds actual charges.

M. Out of the general fund appropriation for this Item, the Governor is authorized to expend \$2,000,000 the first year and ~~\$2,000,000 the second year~~ to provide an incentive for the location of a research-related entity in accordance with § 2.2-2240.1, Code of Virginia. *The Governor shall restore \$2,000,000 the second year for this item from funds received by the Commonwealth from the flexible fund component of the State Fiscal Stabilization Fund authorized under the American Recovery and Reinvestment Act of 2009.*

N. *Out of the general fund appropriation for this Item in the second year, the Director, Department of Planning and Budget, is authorized to transfer \$376,280 to the impacted agencies listed in this paragraph. These amounts, previously transferred from the agencies, cover costs of services for the payroll services bureau operated by the Department of Accounts. Beginning in the second year the payroll services bureau will be an internal service fund and the agencies will pay for expenses incurred in processing payroll.*

Agency Name	FY 2010
<i>Supreme Court of Virginia</i>	<i>\$22,946</i>
<i>Department of Emergency Management</i>	<i>\$11,359</i>
<i>Department of Human Resource Management</i>	<i>\$6,928</i>
<i>State Board of Elections</i>	<i>\$3,508</i>
<i>Virginia Information Technologies Agency</i>	<i>\$3,491</i>
<i>Virginia Commission for the Arts</i>	<i>\$618</i>
<i>Compensation Board</i>	<i>\$2,665</i>
<i>Department of Taxation</i>	<i>\$133,271</i>
<i>Department for the Aging</i>	<i>\$1,637</i>
<i>Department of Housing and Community Development</i>	<i>\$12,618</i>
<i>Department of Labor and Industry</i>	<i>\$13,701</i>
<i>Department of Education</i>	<i>\$21,477</i>

<i>Library of Virginia</i>	<i>\$19,745</i>
<i>Department of Minority Business Enterprise</i>	<i>\$970</i>
<i>Department of Business Assistance</i>	<i>\$5,191</i>
<i>Department of Historic Resources</i>	<i>\$3,956</i>
<i>Department of Medical Assistance Services</i>	<i>\$23,544</i>
<i>Department of Correctional Education</i>	<i>\$96,385</i>
<i>Virginia Enterprise Applications Program</i>	<i>\$206</i>
<i>Commonwealth's Attorneys' Services Council</i>	<i>\$1,030</i>
<i>Department of Fire Programs</i>	<i>\$13,980</i>
	<i>\$376,280</i>

O. The Director of the Department of Planning and Budget is authorized to transfer amounts totaling \$1,572,071 in the first year and \$1,737,970 in the second year to Items 1, 5, 6, 29 and 51 to fund their portion of the increased charges to legislative branch agencies and the Governor's office from the Department of General Services for the Maintenance and Operation of the Capitol and the General Assembly Building.