2010 Session

Budget Bill - HB30 (Introduced)

Item 3-1.01

§ 3-1.01 INTERFUND TRANSFERS

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

	FY 2011	FY 2012
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	$65,375,769	$65,375,769
b) For expenses incurred by the Virginia Wine Board (from Alcoholic Beverage Control gross profits)	$580,679	$580,679
c) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	$9,886,363	$9,886,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	MsoNormal	MsoNormal
For collection by Department of Taxation	$33,878	$33,878
3. Peanut Fund (§ 3.1-662, Code of Virginia)	MsoNormal	MsoNormal
For collection by Department of Taxation	$969	$969
4. Proceeds of the Tax on Motor Vehicle Fuels	MsoNormal	MsoNormal
For inspection of gasoline, diesel fuel and motor oils	$97,586	$97,586
5. Virginia Retirement System (Trust and Agency)	MsoNormal	MsoNormal
For postage by the Department of the Treasury	$60,000	$60,000
6. Department of Alcoholic Beverage Control (Enterprise)	MsoNormal	MsoNormal
For services by the:	MsoNormal	MsoNormal
a) Auditor of Public Accounts	$75,521	$75,521
b) Department of Accounts	$64,607	$64,607

c) Department of the Treasury	$47,628	$47,628
TOTAL	**$76,223,000**	**$76,223,000**

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at $44,900,000 the first year and $45,400,000 the second year.

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

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

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

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

154	Department of Motor Vehicles	$7,416,469	$7,416,469

D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts and retention of local mapping services, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at $6,273,833 the first year and $6,273,833 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts by the Department of Taxation estimated at $2,926,093 the first year and $2,926,093 the second year.

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

Agency Code	Agency Name	Fund Group	FY 2011	FY 2012
111	Supreme Court of Virginia	0900	$272,484	$272,484
233	Board of Bar Examiners	0200	$4,719	$4,719

128	Virginia Veterans Care Center Board of Trustees	0200	$23,139	$23,139
232	Department of Minority Business Enterprise	0400	$15,103	$15,103
411	Department of Forestry	0900	$4,342	$4,342
165	Department of Housing and Community Development	0900	$1,180	$1,180
222	Department of Professional and Occupational Regulation	0200	$2,208	$2,208
226	Board of Accountancy	0900	$16,104	$16,104
851	Virginia Tobacco Indemnification and Community Revitalization Commission	0900	$88,077	$88,077
238	Virginia Museum of Fine Arts	0200	$3,195	$3,195
937	Southern Virginia Higher Education Center	0200	$1,359	$1,359
948	Southwest Virginia Higher Education Center	0200	$25,522	$25,522
601	Department of Health	0900	$206,305	$206,305
852	Virginia Tobacco Settlement Foundation	0900	$22,912	$22,912
199	Department of Conservation and Recreation	0200	$5,438	$5,438
199	Department of Conservation and Recreation	0900	$307,326	$307,326
402	Marine Resources Commission	0200	$36,097	$36,097
402	Marine Resources Commission	0900	$7,803	$7,803
403	Department of Game and Inland Fisheries	0900	$549,444	$549,444
423	Department of Historic Resources	0900	$1,185	$1,185
123	Department of Military Affairs	0900	$1,184	$1,184
140	Department of Criminal Justice Services	0200	$14,688	$14,688
140	Department of Criminal Justice Services	0900	$71,968	$71,968
960	Department of Fire Programs	0200	$90,443	$90,443
154	Department of Motor Vehicles	0400	$1,034,919	$1,034,919
407	Virginia Port Authority	0200	$108,339	$108,339
407	Virginia Port Authority	0400	$126,103	$126,103
501	Department of Transportation	0400	$522,462	$522,462

505	Department of Rail and Public Transportation	0400	$306,866	$306,866
506	Motor Vehicle Dealer Board	0200	$14,676	$14,676
841	Department of Aviation	0400	$97,583	$97,583
171	State Corporation Commission	0900	$13,623	$13,623
174	Virginia College Savings Plan	0500	$300,624	$300,624
MsoNormal	**TOTALS**	MsoNormal	**$4,297,420**	**$4,297,420**

G.1. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4002.1, Code of Virginia, an amount estimated at $430,200,000 the first year and $430,200,000 the second year, from the State Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the Comptroller shall transfer the balance of the State Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis. Prior to June 20 of each year, the State Lottery Director shall estimate the amount of profits in the State Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

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

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate $4,700,000 the first year and $4,700,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

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

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

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

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of

Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate $75,000 the first year and $75,000 the second year, shall be paid into the general fund of the state treasury.

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

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

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

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

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

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

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

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

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

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

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

Q. On or before June 30 each year, the State Comptroller shall transfer to the general fund $6,400,000 the first year and $6,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

R. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at $5,500,000 the first year and an amount estimated at $5,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

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

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

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

V. On or before June 30 each year, the State Comptroller shall transfer to the general fund $1,550,385 the first year and $1,550,385 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

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

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

Y. On or before June 30 each year, the State Comptroller shall transfer $2,455,000, the first year and $2,455,000 the second year, to the general fund from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities Program (40203).

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

AA.1. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at $6,570,278 the first year and $6,440,198 the second year from the agencies and fund sources listed below.

Agency / Purpose	Fund	FY 2011	FY 2012
Virginia Information Technologies Agency (136)			
Reduce spending for geographic information services	0905	$125,000	$125,000
Department of State Police (156)			
Revert nongeneral fund cash from insurance fraud program	0250	$2,000,000	$2,000,000
Revert safety program nongeneral fund cash balance	0261	$1,522,229	$1,522,229
Department of Agriculture and Consumer Services (301)			
Transfer cash balances from nongeneral funds	0200	$337,969	$337,969
Department of Mines, Minerals and Energy (409)			
Revert funds in the state agency energy savings project revolving loan fund	0200	$200,592	$200,000
Revert energy sub-metering funds	0200	$110,488	$0
Revert geologic materials sales office funds	0200	$19,000	$0
Department of Environmental Quality (440)			
Reduce litter grants to localities	0925	$255,000	$255,000
Reduce funding for waste tire pile cleanup	0906	$1,500,000	$1,500,000
Department of Motor Vehicles Transfer Payments (530)			
Implement Mobile Home Tax reduction	0746	$500,000	$500,000
Totals		**$6,570,278**	**$6,440,198**

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

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

CC. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral

fund accounts to the general fund amounts estimated at $4,255,005 the first year and $4,439,969 the second year, resulting from savings associated with changes in employer contribution rates for the Virginia Sickness and Disability program and the state employee retiree health care credit, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

DD. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $6,983,263 the first year and $6,983,263 the second year, resulting from savings associated with the suspension of the cash match on state employee deferred compensation plan accounts, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

EE. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $12,045,046 the first year and $24,613,806 the second year resulting from savings associated with requiring state employees to pay one percent of the five percent employee retirement contribution effective July 1, 2011 and two percent effective July 1, 2012, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

FF. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $3,923,914 the first year and $8,018,435 the second year, resulting from savings associated with requiring state employees to pay one percent of the 10.40 percent optional retirement plan contribution effective July 1, 2011 and two percent effective July 1, 2012, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

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

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

II. On or before June 30, 2011, the State Comptroller shall transfer an amount estimated at $18,771,346 to the general fund from auxiliary enterprise cash balances from the public institutions of higher education. The Director, Department of Planning and Budget will provide a listing of amounts by institution.

JJ. The Brunswick Correctional Center operated by the Department of Corrections shall be sold and the proceeds of such sale deposited into the general fund, notwithstanding the provisions of § 2.2-1156, Code of Virginia. The estimated amount of the payments to be received is $20,000,000 the first year.

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

LL. On or before June 30, 2011 and June 30, 2012, the State Comptroller shall transfer general fund savings from changes to durable medical equipment Medicaid rates, pursuant to paragraph UUU in Item 297, to the Virginia Infrastructure Technology Fund. The first $170,000 of the savings in the first year shall be transferred to the Productivity Investment Fund prior to any transfer to the Virginia Infrastructure Technology Fund. The general fund savings to be transferred to the fund are estimated at $1,690,604 the first year and $1,832,133 the second year. The Department of Medical Assistance Services shall determine the actual amount the State Comptroller shall transfer based on the most available expenditure data when the transfer is made.