2012 Special Session I

Budget Bill - HB1301 (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 2013	**FY 2014**
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)		
For collection by Department of Taxation	$17,308	$17,308
3. Peanut Fund (§ 3.1-662, Code of Virginia)		
For collection by Department of Taxation:	$954	$954
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	$60,364	$60,364
b) Soft Drink Excise Tax(§ 58.1-1705, Code of Virginia)	$1,631	$1,631
c) Virginia Litter Tax (§ 58.1-1710, Code of Virginia)	$8,308	$8,308
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	$45,000	$45,000
7. Department of Alcoholic Beverage Control (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
TOTAL	**$74,936,039**	**$74,936,039**

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 $53,700,000 the first year and $54,000,000 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 any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, 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 $5,704,627 the first year and $5,680,260 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 $2,787,842 the first year and $2,787,842 the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer $6,691,692 the first year and $6,691,692 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 Name	Fund Group	FY 2013	FY 2014
Supreme Court of Virginia (111)	0900	$212,288	$212,288
Board of Bar Examiners (233)	0200	$3,003	$3,003
Virginia Veterans Care Center (128)	0200	$39,905	$39,905
Department of Labor and Industry (181)	0200	$345	$345
Board of Accountancy (226)	0900	$9,286	$9,286
Virginia Tobacco Indemnification and Community Revitalization Commission (851)	0900	$150,280	$150,280
Virginia Museum of Fine Arts (238)	0200	$8,561	$8,561
Jamestown-Yorktown Foundation (425)	0200	$36,827	$36,827
Southwest Virginia Higher Education Center (948)	0200	$25,522	$25,522
Woodrow Wilson Rehabilitation Center (203)	0200	$81,312	$81,312
Department of Rehabilitative Services (262)	0900	$16,187	$16,187
Department for the Deaf and Hard-of-Hearing (751)	0200	$11,899	$11,899
Virginia Foundation for Healthy Youth (852)	0900	$21,695	$21,695
Department of Conservation and Recreation (199)	0900	$154,527	$154,527
Marine Resources Commission (402)	0200	$192,926	$192,926
Department of Game and Inland Fisheries (403)	0900	$576,206	$576,206
Department of Environmental Quality (440)	0900	$16,184	$16,184
Virginia Museum of Natural History (942)	0200	$1,745	$1,745
Department of Criminal Justice Services (140)	0200	$45,065	$45,065
Department of State Police (156)	0200	$39,757	$39,757
Sitter-Barfoot Veterans Care Center (922)	0200	$20,484	$20,484
Department of Motor Vehicles (154)	0400	$1,034,919	$1,034,919
Virginia Port Authority (407)	0200	$70,090	$70,090

Virginia Port Authority (407)	0400	$87,923	$87,923
Department of Transportation (501)	0400	$3,028,317	$3,028,317
Department of Rail and Public Transportation (505)	0400	$418,072	$418,072
Motor Vehicle Dealer Board (506)	0200	$14,311	$14,311
Board of Towing and Recovery Operations (507)	0200	$7,943	$7,943
Department of Aviation (841)	0400	$75,212	$75,212
Virginia College Savings Plan (174)	0500	$290,901	$290,901
TOTALS	MsoNormal	**$6,691,692**	**$6,691,692**

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 $450,300,000 the first year and $455,000,000 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 $2,800,000 the first year and $3,000,000 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, 2013 and on June 30, 2014, 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, and 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.1. 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 and shall be adjusted by the amounts in subparagraph M.2. for debt service payments.

2. Out of the amounts provided in subparagraph M.1. above, $405,000 the second year shall be retained in the general fund for debt service payments attributable to the Virginia Public Building Authority bonds issued for the high hazard dam modification and repair projects on dams owned by the Department of Game and Inland Fisheries as specified in this act.

N.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.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund $4,000,000 the first year and $4,000,000 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund $7,400,000 the first year and $7,400,000 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.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at $6,500,000 the first year and an amount estimated at $6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. 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 $861,400 the first year and $861,400 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.

S. The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be $10,250,000, shall be deposited into the general fund no later than June 30, 2014.

T. 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.

U. The State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed $9,055,000 the first year, and $9,055,000 the second year from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

V. 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.

W. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of 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 from any nongeneral fund account that has a cash balance of less than $100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

X. On or before June 30, 2013, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $164,885, 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.

Y. 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 proceeds to be received is $20,000,000. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

Z. 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.

AA. On or before June 30 each year the State Comptroller shall transfer $1,800,000 from the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 331, 384, and 408 of this act, for the purposes enumerated in Section 17.1-275.12. Any amounts remaining in the fund following these transfers, estimated at $650,000 each year, shall be transferred to the general fund on or before June 30 of each year.

BB. On or before June 30 each year, the State Comptroller shall transfer $10,518,587 the first year and $10,518,587 the second year to the general fund from the $2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

CC. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0721), the Department of Taxation's indirect costs of administering this tax estimated at $114,775 the first year and $114,775 the second year.

DD. On or before June 30 each year, the State Comptroller shall transfer $111,900 the first year and $111,900 the second year from the State Surplus Property Sales fund in the Department of General Services. Of this amount, $14,547 the first year and $14,547 the second year is reserved for federal reversion upon request.

EE. On or before June 30, 2013, the State Comptroller shall transfer $3,200,000 to the general fund from unobligated nongeneral fund balances in the State Corporation Commission.

FF. On or before June 30 each year, the State Comptroller shall transfer to the general fund $253,477 the first year and $168,985 the second year, from Fund 0200 in the Department of Agriculture and Consumer Services.

GG. On or before June 30 each year, and notwithstanding § 10.1-1422.01, Code of Virginia, the State Comptroller shall transfer to the general fund $191,250 the first year and $127,500 the second year, from the Litter Control and Recycling Fund in the Department of Environmental Quality.

HH.1. On or before June 30, 2013, the State Comptroller shall transfer $70,000 to the general fund from the Voluntary Contribution Administration Fund (Fund 0251) in the Department of Taxation.

2. On or before June 30, 2013, the State Comptroller shall transfer $9,287 to the general fund from the Surplus Supplies and Equipment Fund (Fund 0287) in the Department of Taxation.

II. On or before June 30, 2013, the State Comptroller shall transfer to the general fund $8,915 from the Surplus

Supplies and Equipment Fund (Fund 0287) in the Department of Forensic Science.

JJ. The former Department of Taxation Building operated by the Department of General Services 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 $1,750,000 the first year.

KK.1. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at $162,900, from the sale by the Department of Forestry of the property located at 16010 James River Drive, Prince George, Virginia, shall be deposited into the general fund no later than June 30, 2013.

2. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at $89,281, from the sale by the Department of Forestry of the property located at 450 Timberline Drive, Galax, Virginia, shall be deposited into the general fund no later than June 30, 2013.

3. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at $173,000, from the sale by the Department of Forestry of the property located at 2229 East Nine Mile Road, Sandston, Virginia, shall be deposited into the general fund no later than June 30, 2013.

LL. Any amount designated by the Comptroller from the June 30, 2012 or June 30, 2013 general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

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