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# VIRGINIA STATE BUDGET

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2014 Special Session I

## Budget Bill - HB5002 (Chapter 2)

Bill Order » Central Appropriations » Item 468

Central Appropriations

Item 468	First Year - FY2015	Second Year - FY2016
<b>Payments for Special or Unanticipated Expenditures (75800)</b>	<b>\$491,717,707</b>	<b>\$396,418,726</b>
Miscellaneous Contingency Reserve Account (75801)	\$481,800,000	\$364,300,000
Undistributed Support for Designated State Agency Activities (75806)	\$9,917,707	\$32,118,726
Fund Sources:		
General	\$491,717,707	\$396,418,726

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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 \$1,500,000 the first year and \$1,500,000 the second 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. To make additional payments to public institutions of higher education pursuant to Item 464 of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that purpose are insufficient.

5. 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.

6. 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 the first year and \$1,000,000 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.5. of this Item.

7. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.

8. 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.

E. Included in this appropriation is \$300,000 the first year and \$300,000 the second 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. 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.

G.1.a. The Federal Action Contingency Trust (FACT) Fund will have a balance estimated at \$5,998,093 from the amounts appropriated in Item 470 K.1 of Chapter 2, 2012 Special Session I. This balance is hereby appropriated for the following purposes:

b. Up to \$1,199,495 the first year and \$436,998 the second year from the FACT Fund shall be provided to the Virginia Polytechnic Institute and State University for unmanned aircraft systems research and development.

**I VETO THIS ITEM /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)**

[ c. The Director, Department of Planning and Budget shall revert the first year the undesignated and unobligated balances of the FACT Fund, estimated at \$4,361,600, to the General Fund. ]

2. There is hereby created an advisory commission to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Advisory Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory commission.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Advisory Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve.

H. Out of this appropriation, up to \$1,000,000 the first year from the general fund is provided to reimburse the Department of General Services for the costs incurred to relocate the Department of Small Business and Supplier Diversity from private-leased space to a state-owned facility.

I.1. Out of this appropriation, \$2,000,000 the second year from the general fund shall be provided to the City of Richmond for expenses incurred for the development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Of this amount, \$1,000,000 shall be used for improvements to the Slave Trail, and \$1,000,000 for costs associated with Lumpkin's Pavilion.

2. Prior to the receipt of state funds for the purpose set out in paragraph I.1., the Richmond City Council shall pass a resolution outlining its approval of and financial commitment to the proposed project and local matching funds in an amount totaling at least \$5,000,000 which shall be appropriated by the City of Richmond for the project prior to receipt of any state funds. Release of state funding for Lumpkin's Pavilion shall also require evidence that the City of Richmond has raised at least fifty percent of the remaining funding required for that portion of the project from private or other sources.

3. At such time that the City of Richmond has completed construction of the respective improvements, the City of Richmond shall be eligible for reimbursement from the Commonwealth of an amount not to exceed \$9,000,000, or up to twenty five percent of the total costs of each project.

4. State funding appropriated in paragraph I.1 and future appropriations considered in paragraph I.3, shall be allocated only as follows: no more than \$5,000,000 shall be allocated for the planning, design, and construction of

the Pavilion at Lumpkin's Jail, no more than \$1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and no more than \$5,000,000 shall be allocated for the planning, design and construction of a slavery museum.

5. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.

6. In addition to the matching requirements set out in paragraph I.2, the City of Richmond shall provide and dedicate appropriate contiguous real estate prior to the receipt of any state funding for the purposes outlined in paragraph I.1 above.

7. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs I.1 and I.4. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.

8. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.

J. From the amounts included in this item, there is appropriated \$480,000,000 in the first year and \$362,500,000 in the second year from the general fund to an Appropriated Revenue Reserve Fund. The Comptroller shall maintain this fund, from which no warrants shall be drawn. The Governor shall submit a plan to the chairman of the Senate Committee on Finance and the chairmen of the Finance and Appropriations Committees of the House of Delegates for the use of the funds to address any revenue shortfall in the event that the Comptroller certifies by December 17, 2014 that a revised revenue forecast is required pursuant to § 2.2-1503.3 of the Code of Virginia based on FY 2014 revenues and a revenue reforecast is performed pursuant to § 2.2-1503, Code of Virginia.

K. From the amounts included in this Item, there is appropriated \$20,000,000 in the second year from the general fund to a Higher Education Revenue Reserve Fund.

L.1. Notwithstanding the provisions of §§ 16.1-69.6:1 or 17.1-507, Code of Virginia, the total number of authorized judges in each judicial district or circuit shall be reduced by a number equal to the number of judges retiring, dying or resigning from that district or circuit for any authorized judgeship which was vacant or became vacant on or after July 1, 2014, and before July 1, 2016, effective upon the resignation, death or retirement date of each such judge, and by the number of individual judgeships newly created pursuant to Chapter 812 and Chapter 822 of the 2014 Acts of Assembly, unless the individual judgeship is specifically authorized in this paragraph or unless the judgeship is elected in a special session of the 2014 General Assembly.

2. Effective July 1, 2014, the provisions of this item shall not apply to any authorized judgeship in which the vacancy occurred as a result of a judge being appointed to a judgeship on another Virginia court, except in those instances when the newly vacant judgeship was abolished pursuant to Chapter 812 and Chapter 822 of the 2014 Acts of Assembly, provided such appointment is to another authorized judgeship which is funded as provided herein or by existing law.

3. Included in this appropriation is \$8,917,707 the first year and \$10,118,726 the second year from the general fund to fund vacant or newly created judgeships authorized in this Item or elected during a special session of the 2014 General Assembly.

4. The Director of the Department of Planning and Budget is authorized to transfer appropriation included in this Item to Items 39, 40 and 41, as needed to effectuate the filling of judgeships as authorized in this paragraph or as elected in a special session of the 2014 General Assembly.

5. The State Comptroller shall revert to the general fund savings that are realized as a result of vacant judgeships. The reversion is estimated to be \$1,000,000 on or before June 30, 2015 and \$1,000,000 on or before June 30, 2016.