2014 Special Session I

Budget Bill - HB5004 (Introduced)

Central Appropriations

Item 468

	First Year - FY2015	Second Year - FY2016
Payments for Special or Unanticipated Expenditures (75800)	**$14,750,000**	**$2,750,000**
Miscellaneous Contingency Reserve Account (75801)	$2,750,000	$2,750,000
Undistributed Support for Designated State Agency Activities (75806)	$12,000,000	$0
Fund Sources:		
General	$14,750,000	$2,750,000

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 $2,450,000 the first year and $2,450,000 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 $11,286,504 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 $4,361,600 from the FACT Fund shall be provided in the first year, in addition to the nongeneral fund amounts in Item 458 A. of this act, to meet the Commonwealth's contribution to address encroachment upon the United States Navy Master Jet Base and an auxiliary landing field used in connection with flight operations arising from such Master Jet Base.

c. 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.

d. Up to $5,288,411 from the FACT Fund may be provided to: (i) offset the potential loss of any revenue to the Commonwealth, either directly or indirectly, related to any actions of the United States Congress as part of any federal budget reductions, (ii) develop plans and implement strategies to prevent or limit the adverse economic impacts of closure, relocation, or realignment of federal military or security installations or other federal agencies located in Virginia, including actions to evaluate military and command clusters to access their vulnerability for closure, relocation or realignment, and (iii) remedial efforts to promote renewed economic growth in jurisdictions adversely affected by closure, relocation, or realignment decisions on the part of the federal government.

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, $11,000,000 the first year from the general fund shall be provided to the City of Richmond for expenses incurred for the development, creation, and enhancement of the Slavery and Freedom Heritage Site in Richmond.

2. Out of the amount appropriated in paragraph I.1, $5,000,000 shall be allocated for the planning, design and construction of the Pavilion at Lumpkin's Jail, $1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and $5,000,000 shall be allocated for the planning, design and construction of a slavery museum.

3. Prior to the receipt of any state funds for this purpose, the City of Richmond shall secure and provide evidence of local matching funds totaling at least $5,000,000 for the purposes set out in paragraph I.2. The local matching

funds required by this Item shall be appropriated by the City of Richmond for the purposes set out in paragraph I.2 prior to receipt of any state funds. The allocation of this local match may vary among the separate purposes set out in paragraph I.2 as long as the local matching funds appropriated meets the match requirement specified by this provision in the aggregate. However, state appropriations shall be disbursed solely for the components of the Slavery and Freedom Heritage Site according to the amounts specified in paragraph I.2.

4. 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.

5. In addition to the matching requirements set out in paragraph I.3, 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.2 above.

6. 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.2. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.

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