2018 Special Session I

# Budget Bill - HB5001 (Introduced)



Central Appropriations

| Item 476 | First Year - FY2017 | Second Year - FY2018 |
|---|---|---|
| **Payments for Special or Unanticipated Expenditures (75800)** | **$15,846,364** | ~~**$19,090,835**~~ ***$15,648,265*** |
| Miscellaneous Contingency Reserve Account (75801) | $2,300,000 | $2,300,000 |
| Undistributed Support for Designated State Agency Activities (75806) | $13,546,364 | ~~$16,790,835~~ *$13,348,265* |
| Fund Sources: | | |
| General | $15,846,364 | ~~$18,590,835~~ *$15,148,265* |
| Dedicated Special Revenue | $0 | $500,000 |

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed $3,500,000 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 Virginia Lottery , 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 $2,000,000 the first year and $2,000,000 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, services, and training which cannot be absorbed within agency appropriations including 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 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.

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 the first year and $1,000,000 the second year from the general fund amounts appropriated for the Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.

6. 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.

7. 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 59, 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 59, 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. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at $5,915,424 the first year and ~~$6,231,160~~ *$1,579,381* the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.

H.1. *Out of this appropriation, $1,209,209 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.* Any unexpended general fund balances as of June 30, ~~2017~~ *2018* that were appropriated for the purpose of supporting the City of Richmond in the development of the Slavery and Freedom Heritage Site in Richmond shall *not* revert to the general fund*, but instead be reappropriated for its original purpose*. Out of the ~~$2,000,000~~ ~~originally~~ ~~appropriated~~ *amounts authorized in paragraph H.1.,* up to $1,000,000 shall be used for improvements to the Slave Trail, and up to $1,000,000 for costs associated with Lumpkin's Pavilion. On or before June 30, 2017, the Director, Department of Planning and Budget, shall revert to the general fund an amount estimated at $1,500,000 from the appropriation authorized in Item 468 I.1. of Chapter 2, 2014 Special Session 1. The Governor is authorized to transfer up to $500,000 from the unappropriated balance for improvements to the Slave Trail or for costs associated with Lumpkin's Pavilion if reimbursement requests exceed the amounts available in the fiscal year 2016-2018 biennium. It is the intent of the General Assembly to fully meet its commitment to the project as reimbursement requests are made and funding to meet such requests shall be included by the Governor in any budget submission made pursuant to the provisions of §§ 2.2-1508 and 2.2-1509, Code of Virginia.

2. Prior to the receipt of state funds for the purpose set out in paragraph H.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 H.1. and future appropriations considered in paragraph H.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 H.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 H.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 H.1. and H.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

I. Out of this appropriation, the Director, Department of Planning and Budget, is authorized to transfer an amount up to $5,000,000 the first year, to the Department of State Police for unanticipated costs associated with mitigating security threats, information technology (IT) security gaps, and the data stored on IT systems used by the Department. The costs eligible for reimbursement shall be for information technology and telecommunications goods and services that have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. These funds may not be transferred until the requirements of Paragraph I.2. of this item have been fulfilled.

2.The Superintendent of State Police shall develop a prioritized list of information technology projects for the Department of State Police, justify the need for the projects, and identify costs associated with such projects. The Superintendent shall also identify the potential or expected projects to be addressed using the appropriation provided in Paragraph I.1. of this item. The Superintendent shall report the list of projects to the Chairmen of the House Appropriations and Senate Finance Committees no later than August 15, 2016.

3.a. Notwithstanding the provisions of § 2.2-2011, Code of Virginia, the Department of State Police is authorized to procure, develop, operate, and manage the cyber security and management tools required to protect the information technology used by the Department that is defined as out-of-scope from the Virginia Information Technologies Agency pursuant to the Memorandum of Understanding (MOU) between the two agencies dated August 30, 2013. The Department of State Police shall be solely responsible for securing all aspects of information technology defined as out-of-scope in the current MOU.

b. Costs expended by the Department of State Police for cyber security and management tools shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1. of this item, after such expenses have been approved by the Chief Information Office and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

4.a. The Superintendent of State Police shall develop and report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance a detailed transition plan addressing the steps required for the Department of State Police to assume responsibility for the development, operation, and management of all of its information technology infrastructure and services. The Department of State Police is authorized to procure consulting services to assist in the development of the detailed transition plan. The Virginia Information Technologies Agency shall assist in the development and drafting of the detailed transition plan.

b. The report shall, at a minimum, include a detailed transition plan that: (i) identifies and evaluates anticipated transition timelines, tasks, activities, and responsible parties; (ii) identifies any one-time and ongoing costs of transitioning responsibility for information technology services from the Virginia Information Technologies Agency to the Department of State Police, including the estimated costs to obtain existing information technology assets or transition services from Northrop Grumman; (iii) identifies the ongoing costs of staffing, services, and contracts related to enterprise security and management tools, legacy system replacements or upgrades, construction or lease of facilities including data centers, labor costs and workload analyses, and training costs; (iv) identifies any other such factors deemed necessary for discussion as identified by the Superintendent of State Police or Chief Information Officer of the Commonwealth; (v) identifies necessary statutory changes required to effectuate the transition and modernize current statutes related to basic State Police communication systems consistent with the Criminal Justice Information Services Security Policy Version 5.5, or its successor; and (vi) provides a jointly developed and agreed upon MOU between the Department of State Police and the Virginia Information Technologies Agency that certifies the information.

c. Costs expended by the Department of State Police for the development of the detailed transition plan shall be reimbursed by the Director, Department of Planning and Budget from unexpended funds provided in paragraph I.1 of this item, after such expenses have been approved by the Chief Information Office and determined to be in compliance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

d. The report and accompanying Memorandum shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance no later than September 15, 2017. The Chief Information Officer of the Commonwealth shall review the report and provide an analysis of the detailed transition plan no later than 30 days after submission of the report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.

5. Included within the appropriation for this item, up to $2,900,000 the second year from the general fund is provided to reimburse the Department of State Police for costs associated with mitigating information technology security threats and gaps required to protect and manage out-of-scope information technology that is not addressed in paragraph 3.b. All such costs shall be eligible for reimbursement if they have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget is authorized to release this funding following certification by the Chief Information Officer that these costs address cyber security threats and gaps, including upgrades to legacy applications to remediate audit findings by the Auditor of Public Accounts or Commonwealth Security and Risk Management.

J. Out of this appropriation, $3,018,677 the first year and $3,163,956 the second year from the general fund shall be provided to state agencies to support the costs of information technology security audits and information security officer services. With such funding, agencies are encouraged to work with the Virginia Information Technologies Agency's information technology shared security center created pursuant to Item 435 of this act.

K. It is the intent of the General Assembly that relief shall be provided to localities for qualifying damages resulting from the tornadoes of February 24, 2016, in accordance with state law and the provisions of Item 57 of this act. Such relief is hereby appropriated in accordance with the provisions of Item 57 of this act from the unexpended balances of the general fund.

L. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, amounts estimated at $387,737 the first year and $78,479 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings from agency charges for the Cardinal financial system operated by the Department of Accounts.

M.1. Out of the general fund appropriation for this Item, $1,845,800 the second year is provided to support the transition offices established as a result of the 2017 elections for Governor, Lieutenant Governor, and Attorney General. Out of this amount, up to $530,800 shall be transferred, based on actual expenses, to the Department of General Services, $90,000 to the Division of Selected Agency Support Services, and $1,225,000 to the Virginia Information Technologies Agency for the provision of facilities, equipment, services, and supplies required to support the transition activity.

2. The Commonwealth's financial support for the transition is to be allocated as follows: Office of the Governor: $1,570,155

Office of the Lieutenant Governor: $116,440

Office of the Attorney General: $159,205

N. Included in this Item is $492,638 the second year from the general fund to be transferred, based on actual

expenditures, to the Department of General Services to support anticipated costs for the inauguration in January 2018.

O. The Director, Department of Planning and Budget, shall transfer from this Item, $935,760 the second year from the general fund to executive branch agencies to support the costs of the Personnel Management Information System.

P. Out of the general fund appropriation in this Item for the second year, $800,000 is provided for a joint internship and management training pilot program to assist in improving leadership, management, and succession planning capabilities of all branches of state government. The Secretary of Finance shall convene a work group consisting of representatives from each branch of state government for the purposes of establishing program details. The work group shall consider opportunities to collaborate with Virginia public colleges and universities on an internship, management training and succession planning program by which students in their final year of undergraduate school work, or those attending graduate programs may be considered for opportunities for state employment on a temporary basis, whereby they may earn academic credit for hours worked while participating in the program. No funds shall be distributed from this Item for the purposes described in this Paragraph prior to the creation of a plan for program implementation to be submitted to the Governor, the Chairman of the Commission on Employee Retirement Security and Pension Reform, and the Chairmen of the House Appropriations and Senate Finance committees. *Any balances remaining from the appropriation identified in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to support the Virginia Management Fellows program in the subsequent fiscal year.*

**I VETO THIS ITEM /s/ (04/28/17) (Vetoed item is enclosed in brackets.)**

[Q. In addition to the amounts provided in paragraphs C.1.,2. and 3. of Item 109 of this act, the Virginia Coalfields Economic Development Authority shall provide up to $500,000 of its nongeneral fund balances to the Lenowisco and Cumberland Plateau Planning District Commissions who shall serve as fiscal agents for coordinated economic development activities in the Lenowisco and Cumberland Plateau Planning Districts. The funding provided in this paragraph is contingent upon equal matching funds being awarded by the Tobacco Region Revitalization Commission.]