2023 Special Session I

Budget Bill - HB6001 (Chapter 1)

Central Appropriations

Item 485	First Year - FY2023	Second Year - FY2024
Payments for Special or Unanticipated Expenditures (75800)	**$15,050,000**	~~**$4,050,000**~~ ***$24,063,564***
Miscellaneous Contingency Reserve Account (75801)	$1,300,000	$1,300,000
Undistributed Support for Designated State Agency Activities (75806)	$13,750,000	~~$2,750,000~~ *$22,763,564*
Fund Sources:		
General	$15,050,000	~~$4,050,000~~ *$24,063,564*

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed $5,000,000 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 and Appropriations 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, and the Virginia College Savings Plan;

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 $1,000,000 the first year and $1,000,000 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.4. 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 and Appropriations 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 61, 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 61, 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. Any amounts appropriated in this item that remain unspent at the end of any fiscal year shall be reappropriated in the next fiscal year.

H.1. Out of this appropriation, $1,000,000 the first year from the general fund is provided for the City of Richmond for the Slavery and Freedom Heritage Site in Richmond, Virginia. These funds and any balances remaining from the general fund originally intended to be provided to the City of Richmond for expenses incurred for the planning and development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements may be appropriated by the Director, Department of Planning and Budget, consistent with the provisions of this paragraph. Any unexpended general fund balances remaining from the appropriation in this paragraph shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and reappropriated for its original purpose.

2. 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.

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

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

5. Any remaining funds contained in paragraph H.1. above for the purposes enumerated shall be made available to the City of Richmond upon the receipt of planning and development information by the Department of General Services. The Director of the Department of Planning and Budget shall provide the additional funds at the request of the Department of General Services as the fiscal agent for this project.

I. Out the appropriation for this item is included $2,500,000 the first year ~~and $2,500,000 the second year~~ from the general fund to be provided to state agencies to facilitate and improve language access.

J.1. Out of this appropriation, $10,000,000 the first year *and $5,000,000 the second year* from the general fund shall be available for transfer to state agencies to implement government transformation initiatives identified by the Chief Transformation Officer and approved by the Governor. Prior to the transfer of any funds, the Chief Transformation Officer shall submit a plan detailing the intended use of the funds to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

2. The Secretary of Finance, in consultation with the Chief Transformation Officer, shall authorize the transfer of amounts from this item in support of the transformation initiatives identified pursuant to the preceding subparagraph.

3. The Chief Transformation Officer shall provide quarterly program updates, to include the status of projects and amounts expended per project, to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees beginning October 1, 2022.

4. The Chief Transformation Officer, in consultation with the Virginia Information Technologies Agency, shall report on the use of consultants for transformation and reform initiatives since January 2022. The report shall be submitted by January 1, 2024, and then annually thereafter for each calendar year, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committee and shall include for each instance that a consultant was used, the contract utilized, the amount, the purpose, and consultant name.

K. Out of this appropriation, $250,000 the first year and $250,000 the second year from the general fund is provided for distribution to state agencies for the general fund share of costs related to increased rates for the Department of General Services to perform lease administration services.

L. From such general fund revenues as are collected for fiscal year 2022 in excess of the official fiscal year 2022 revenue estimate included in the final 2020-2022 biennial appropriation act adopted in the 2022 Special Session I, the first $585,000,000, or portion thereof, that is not required to meet a Constitutionally-mandated deposit to the Revenue Stabilization Fund or the Water Quality Improvement Fund Part A deposit, shall be reserved by the Comptroller in the Committed Fund Balance for the following purposes in priority order during the first year: $250,000,000 for a lump sum payment to the Virginia Retirement System to address the unfunded liability for the statewide plans; $150,000,000 for a deposit to the highway share of the Transportation Fund to improve Interstate 64 between exit 205 and exit 234; $50,000,000 for deposit to the Virginia Business Ready Sites Program Fund; $100,000,000 for allocation to the 2022 Capital Supplement Pool (Item C-69.60 of the 2020-2022 Appropriation Act); and $35,500,000 for deposit to the Major Headquarters Workforce Grant Fund.

M. Out of this appropriation, $10,000,000 the second year from the general fund shall be provided for victims of mass violence. Any balances remaining at the end of the fiscal year shall carry forward. The Director of the Department of Criminal Justice Services shall convene a work group to assess: (i) gaps in available services for victims of crimes especially mass violence events; (ii) methods of investing the funds to ensure sustainable annual financial returns; (iii) options for determining eligibility for funding, including parameters for who is considered a victim of a mass violence event; (iv) a detailed plan for administering the funds that works holistically with the Criminal Injuries Compensation Fund; (v) any potential categories of victims and witnesses, including families of victims, that are impacted by violence but are not currently eligible for the Criminal Injuries Compensation Fund; and (vi) approaches used in other states to support victims of mass violence. The purpose of the work group is to identify specific options to help ensure that those impacted by violence, especially mass violence, are able to cover out-of-pocket health and mental health expenses that are connected to the violent event but are not covered by insurance. The work group shall consist of representatives of the: Department of Criminal Justice Services, including the Victim/Witness Grant Program and Financial Services Office; Criminal Injuries Compensation Fund; Department of Planning and Budget; Virginia Retirement System; Department of Treasury; the VTV Family Outreach Foundation; appropriate staff members of the House Appropriations and Senate Finance and Appropriations Committees; and any other stakeholders as appropriate. The work group shall report its findings to the General Assembly by September 1, 2024. The Department of Planning and Budget shall not transfer the funds until the General Assembly adopts a structure for administering the funding based on the findings of the work group.

N. Out of this appropriation, $7,263,564 the second year from the general fund is provided to cover the costs associated with the 2024 presidential primary. Out of this amount, up to $7,116,256 may be used by the Department of Elections to reimburse localities for their presidential primary expenditures and up to $147,308 may be used to cover costs incurred directly by the Department of Elections.

O. Out of this appropriation, $250,000 the second year from the general fund is provided for the Secretary of Finance to develop relevant capabilities, conduct planning, and evaluate potential economic incentives to attract sports teams to the state. The Commonwealth of Virginia is prepared to consider economic development proposals that are in the best interest of Virginia taxpayers to assist in relocating sports teams and their associated facilities to the state.

P. On or before June 30, 2024, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of $1,846,131 from the surplus balances of this program.