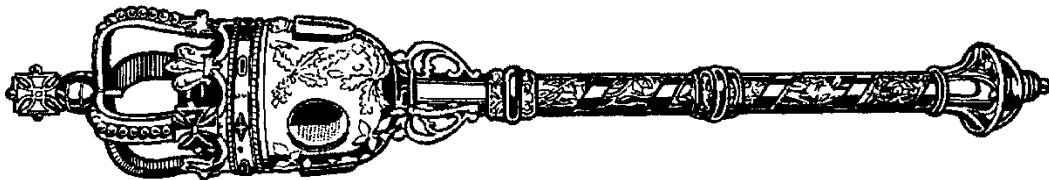


*Report of the  
House Appropriations  
Subcommittee*

*on*

*Technology, Oversight, &  
Government Activities*



*House Bill 29  
&  
House Bill 30*

*February 17, 2008*

# **REPORT OF THE SUBCOMMITTEE**

## **on**

# **TECHNOLOGY OVERSIGHT and**

# **GOVERNMENT ACTIVITIES**

Mr. Chairman and Members of the Committee:

As we began to review the funding and initiatives included for the Technology agencies in the introduced budget, the Subcommittee was concerned that sufficient general fund dollars be available to offset the increased costs of information technology services that many agencies have experienced. In addition, the Subcommittee was very concerned that a number of programs currently overseen by the Virginia Information Technologies Agencies, or VITA, had been transferred to agencies that perhaps did not have the expertise to manage those programs. Finally, Mr. Chairman, the Subcommittee felt it was important to safeguard the General Assembly's prerogatives, as those prerogatives are expressed in the General Provisions of the Appropriation Act.

Mr. Chairman, the Subcommittee is recommending the provision of \$4.7 million in House Bill 29 and \$9.5 million in each year of the new biennium to offset increases in state agency costs for information technology services provided by VITA. Although the rates charged for services by VITA have not increased since 2006, many state agencies have been affected by the need to now budget for information technology on a continuing basis and a federally-required cost allocation methodology.

In addition, the Subcommittee also recommends that the procurement of information technology goods and services remain a function performed by VITA. As was noted by the Auditor of Public Accounts during the Subcommittee's review of the Technology agencies, transferring information technology procurement services to the Department of General Services could undo much of the progress

that has been made in the oversight of new applications development. Moreover, this transfer may conflict with the statutory responsibilities assigned to the Chief Information Officer and Information Technology Investment Board. For these reasons, the Subcommittee is recommending that about \$1.8 million in annual nongeneral fund revenue and associated positions be transferred back to VITA.

Similarly, the Subcommittee is recommending that a proposed transfer of the Emergency E-911 program to the Department of Emergency Management be rejected in favor of continued oversight of this program by VITA. Virginia's Emergency E-911 program, which is nationally recognized, has been administered by VITA since the agency's inception. Currently, VITA is in the process of developing a new method for delivering Emergency E-911 services that will eliminate obsolete local technology. It is unlikely the Department of Emergency Management would have the expertise to continue development of this infrastructure. Consequently, the Subcommittee is recommending that about \$48 million in nongeneral fund revenue and associated positions be transferred back to VITA.

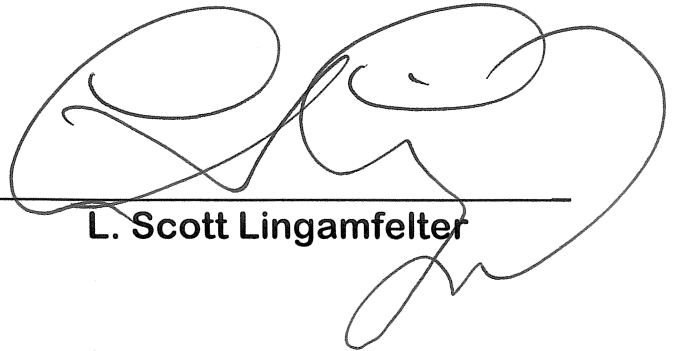
Mr. Chairman, the Subcommittee also believed it was very important to reassert the General Assembly's prerogatives through the restoration of language contained in the General Provisions that was either deleted or altered in the Governor's introduced budget to its original form. As you will remember, Mr. Chairman, this committee took considerable time three years ago to remove overly broad language that had previously been included in the General Provisions. This type of language has been deleted. In addition, Mr. Chairman, the Subcommittee felt strongly that one new item should be added. In light of the General Assembly's inability to determine how Oxy-Contin settlement funds should be appropriated, the Subcommittee is recommending the addition of language to the General Provisions directing that all settlements in the favor of the Commonwealth, with some exceptions, be deposited into the general fund of the state treasury for future appropriation by the General Assembly.

Mr. Chairman and fellow Committee members, I will ask staff to take you through our detailed recommendations, and then I hope it will be your pleasure to adopt our subcommittee report.

Respectfully Submitted by the House Appropriations Subcommittee  
on Technology Oversight & Government Activities:



R. Steven Landes, Chair



L. Scott Lingamfelter



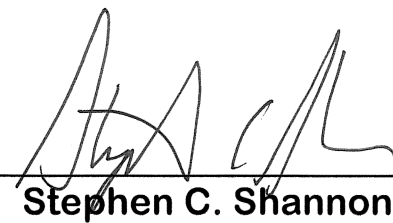
Riley E. Ingram



Onzlee Ware



Joe T. May



Stephen C. Shannon



S. Chris Jones



Dan C. Bowling



**Budget Amendment Recommendations**

HB 30	2008-10 BIENNIAL TOTAL		
<u>Amendment</u>	<u>General Fund</u>	<u>Nongeneral Fund</u>	<u>FTE</u>

**TECHNOLOGY, OVERSIGHT, and GOVERNMENT ACTIVITIES**

**Auditor of Public Accounts**

Audit of Agency Revenues Language

**Joint Legislative Audit and Review Commission**

Examination of VITA Services Language

**Virginia Enterprise Applications Program Office**

Continuity of Oversight Language

Establishment of Data Standards Language

**Department of General Services**

Elimination of Information Technology Procurement - (3,695,905) (32.00)

**Department of Emergency Management**

Elimination of Enhanced E-911 Transfer - (97,932,780) (20.00)

**Secretary of Technology**

Eliminate Chesapeake Crescent Nonstate Agency Grant (250,000) -

**Virginia Information Technologies Agency**

Restore Enhanced E-911 Program - 97,932,780 20.00

Restore Information Technology Procurement - 4,044,132 34.00

**Central Appropriations**

Restore Enhanced E-911 Program (2,400,000) -

**Part 4: General Provisions**

Stem Cell Funding Language

Definition of Withholding of Spending Authority Language

Written Quarterly Assessment of Economic Conditions Language

Budget Reduction Plan Sole Basis for Withholding Language

Budget Reduction Plans Submitted with Governor's Plan Language

Payment of Reduced Nonstate Agency Grants Language

Written Notification of Auditor Needed for Disbursement Language

Leased Equipment from College Building Authority Language

Elimination of University-Specific Tuition Waiver Language

Settlements to be Deposited to General Fund Language

Calculation of General Fund Revenues Language

Reporting of Anticipatory Revenue Loans Language

Nongeneral Fund Treasury Loans Language

Limits on Anticipatory Treasury Loans Language

Guidelines for Leasing Locally-Owned Property Language

Treasury Board to Approve Structure of Capital Lease Language

Restoration of Requests for Appropriation Language

Space Guidelines Applicability Language

Elimination of Use of PPEA for Productivity Purchases Language

Equalization of Nonstate Agency Payment Criteria Language

Restoration of Subaqueous Lands Language

Restoration of Language About Withdrawn Confirmations Language

Position Specific Salary Requirements Language

Manpower Control Program Language

Submission of Agency Budget Requests Language

Elimination of Tier 3 Language

Restoration of Institutional Performance Language

Restoration of Changed Institutional Performance Criteria Language

Effective Date Language

<b>Total: HB 1650</b>	<b>(2,650,000)</b>	<b>348,227</b>	<b>2.00</b>
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*Amendments to House Bill 30, as Introduced*

Technology and Operations Subcommittee

Item 2 #1h

**Legislative Department**

Auditor Of Public Accounts

Language

**Language:**

Page 9, after line 13, insert:

"D. The Auditor of Public Accounts shall analyze the revenues and expenditures for the Qatar educational program specified in Item 208, paragraph K of this act. This analysis shall specify the sources and uses of all revenues generated by the program. Further, the Auditor shall review and evaluate the interaction between this program and the operations within the other educational and general programs within the institution to include staffing and budgeting for other programs. The purpose of this analysis is to determine whether the Commonwealth should develop a new program to account for the activity in the Qatar program separate and apart from the educational and general program where it currently resides. The institution and the State Council of Higher Education for Virginia shall provide any assistance and cooperation necessary for the Auditor to conduct this analysis. The Auditor shall provide a report of the results of his analysis to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2008."

**Explanation:**

(This amendment is self-explanatory.)

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Technology and Operations Subcommittee

Item 29 #2h

**Legislative Department**

Joint Legislative Audit And  
Review Commission

Language

**Language:**

Page 17, after line 36, insert:

"E. The Joint Legislative Audit and Review Commission (JLARC) shall examine the quality, cost, and value of the services provided to state agencies and public bodies by the Virginia Information Technologies Agency (VITA). This examination shall include the relationship between VITA and the Information Technology Investment Board, the procurement of information technology goods and services by VITA on behalf of other state agencies and institutions of higher education, the management of information technology projects by the agency's Project Management



*Amendments to House Bill 30, as Introduced*

Division, and the role that VITA could perform, if any, in the governance and oversight of information technology maintenance and operations now under the purview of state agencies. Technical assistance in the performance of this examination shall be provided to JLARC by VITA. All agencies of the Commonwealth shall provide assistance to JLARC in conducting this examination upon request. JLARC shall report its findings and recommendations to the Joint Legislative Audit and Review Commission by December 15, 2008."

**Explanation:**

(This amendment requires JLARC to conduct a study of the Virginia Information Technologies Agency (VITA). This study is to be completed by December 15, 2008, and is to examine the operations of VITA, its services and the costs of those services to state agencies and other public bodies, and whether VITA could have any role to play in the governance of state agencies' information technology maintenance and operations functions.)

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Technology and Operations Subcommittee

Item 63 #1h

**Executive Offices**

Virginia Enterprise Applications  
Program Office

Language

**Language:**

Page 36, line 34, strike "Governor" and insert:  
"Information Technology Investment Board".

Page 36, line 47, strike "and Governor".

Page 37, line 25, strike "(ii) to the Information Technology Investment Board".

Page 37, line 57, after "the", insert "Information Technology Investment Board,".

Page 37, line 57, after "Governor", insert ",".

**Explanation:**

(This amendment provides for changes to the reporting structure of the Virginia Enterprise Applications Program to ensure continuity of oversight for this agency, which is responsible for directing the Commonwealth's efforts to modernize its accounting, budgeting, human resource, leave accounting, and other central service computer systems.)

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Technology and Operations Subcommittee

Item 63 #2h

*Amendments to House Bill 30, as Introduced*

**Executive Offices**

Virginia Enterprise Applications  
Program Office

Language

**Language:**

Page 37, after line 9, insert:

"b. The VEAP Office Director shall report unacceptable agency cooperation to the affected cabinet secretary and the Governor's Chief of Staff, and the Chairmen of the House Appropriations and Senate Finance Committees.

Page 37, line 10, strike "b." and insert "c".

Page 37, after line 14, insert:

"d. In addition to the processes and data standards used to support work performed for the Department of Transportation's system modernization effort, the VEAP Office Director shall identify major Commonwealth financial and information collection processes and establish data standards for each process. On December 1, 2008, and every six months thereafter, the VEAP Office Director shall report and recommend to the Chief Information Officer and the Information Technology Investment Board, the processes reviewed and the data standards established, which merit adoption as part of § 2.2-2458, Code of Virginia. The VEAP Office Director shall also develop, along with the Chief Information Officer, a migration strategy to implement the data standards and provide such strategy to the Governor and the Information Technology Investment Board for their review beginning December 1, 2008. As part of the migration strategy and its implementation, the VEAP Office Director shall identify agencies and institutions that have sufficiently modern accounting systems that can adopt, institute, and use the data standards. All agencies shall cooperate with the VEAP Office Director in implementing the data standards at those agencies and institutions with sufficiently modern accounting systems and the VEAP Office Director shall report, every six months after submitting the plan to the Governor and the Information Technology Investment Board, those agencies and institutions having adopted the data standards and any agencies or institutions that have not cooperated with the implementation."

**Explanation:**

(This amendment directs the Virginia Enterprise Applications Project Office to develop data standards for the Commonwealth's financial and information collection processes as part of the effort to modernize the Department of Transportation financial systems. The office is to report to the the Chief Information Officer and Information Technology Investment Board those data standards that have been developed and to, in concert with the Chief Information Officer, develop a migration

*Amendments to House Bill 30, as Introduced*

strategy for use of these data standards by agencies and institutions with sufficiently modern financial systems to make use of them. All agencies are to assist in the development of these standards, and the office's director is to report any agencies or institutions that do not cooperate with implementation of these standards to the Governor and Information Technology Investment Board.)

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Technology and Operations Subcommittee

Item 80 #1h

**Administration**

	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of General Services	(\$1,871,285)	(\$1,824,620)	NGF
	-16.00	-16.00	FTE

**Language:**

Page 66, line 34, strike "\$24,175,520" and insert "\$22,304,235".

Page 66, line 34, strike "\$24,128,855" and insert "\$22,304,235".

Page 67, strike lines 2 through 6.

Page 67, line 7, strike "2." and insert "C."

Page 67, line 8, after "shall", strike ":".

Page 67 strike lines 9 through 13.

Page 67, line 14, strike "b. Standardize" and insert "standardize".

Page 67, strike lines 32 through 43.

**Explanation:**

(This amendment eliminates the proposed transfer of information technology procurement functions from VITA to the Department of General Services as contained in the Governor's introduced budget. While the description provided by the administration for this transfer states that it will allow for the consolidation of common business practices, it could actually increase the time required to approve projects and procurements due to the need for the Department of General Services to now integrate procurements into the project, approval, and security oversight requirements for information technology projects. The transfer may also interfere with the contractual responsibility the Commonwealth has to use Northrop Grumman as state government's primary infrastructure services provider.)

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Technology and Operations Subcommittee

Item 403 #2h

**Public Safety**

	<b>FY 08-09</b>	<b>FY 09-10</b>	
Department Of Emergency Management	(\$49,818,979)	(\$48,113,801)	NGF
	-10.00	-10.00	FTE

*Amendments to House Bill 30, as Introduced*

**Language:**

Page 369, line 21, strike "\$49,818,979" and insert "\$0".  
Page 369, line 21, strike "\$48,113,801" and insert "\$0".  
Page 369, strike lines 20 through 51.

**Explanation:**

(This amendment eliminates a proposed transfer of the Enhanced E-911 program from VITA to the Department of Emergency Management as contained in the introduced budget and is a companion to an amendment restoring this program within VITA. Information provided as part of the introduced budget reports that efficiencies will result from reassigning the E-911 program to an agency responsible for emergency management. However, the program as currently constituted is recognized as among the best E-911 programs in the nation. Further, VITA was in the process of modernizing Virginia's E-911 program prior to this proposed transfer. Much of the equipment for E-911 service is becoming outdated. The funding for modernization remains within VITA.)

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Technology and Operations Subcommittee

Item 429 #1h

<b>Technology</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Secretary Of Technology	(\$250,000)	\$0	GF

**Language:**

Page 384, line 3, strike "\$795,683" and insert "\$545,683".  
Page 384, strike lines 8 through 12.

**Explanation:**

(This amendment eliminates the general fund support for a non-state agency grant in the first year for the Community Foundation for the National Capital Region's Chesapeake Crescent project.)

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Technology and Operations Subcommittee

Item 431.1 #1h

<b>Technology</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Information Technologies Agency	\$49,818,979 10.00	\$48,113,801 10.00	NGF FTE

**Language:**

Page 386, after line 37, insert:

***Amendments to House Bill 30, as Introduced***

"431.1. Financial Assistance for Emergency Communications Systems (71200)	\$49,818,979	\$48,113,801
Fund Sources: Dedicated Special Revenue	\$49,818,979	\$48,113,801."
Page 386, after line 37, insert: "Emergency Response Systems		
Development Technology Services (71200)	49,818,979	48,113,801
Emergency Communication Systems Development Services (71201)	10,065,195	10,065,195
Financial Assistance to Localities for Enhanced Emergency Communications (71202)	27,690,882	25,985,704
Financial Assistance to Service Providers for Enhanced Emergency Communications Services (71203)	12,062,902	12,062,902
Fund Sources:		
Dedicated Special Revenue	49,818,979	48,113,801
Authority: Title 2.2, Chapter 20.1, and Title 56, Chapter 15, Code of Virginia.		

A.1. Out of the amounts for Emergency Communication Systems Development Services, \$1,000,000 the first year and \$1,000,000 the second year from dedicated special revenue shall be used for development and deployment of improvements to the statewide E-911 network.

2. These funds shall remain unallotted until their expenditure has been approved by the Wireless E-911 Services Board.

B. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$1,750,000 the first year and \$1,750,000 the second year from Financial Assistance to Localities for Enhanced Emergency Communications dedicated special revenue shall be used to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services. Funding is to be earmarked for major updates of the VBMP and digital road centerline files. "

**Explanation:**

(This amendment eliminates a proposed transfer of the Enhanced E-911 program from VITA to the Department of Emergency Management as contained in the

*Amendments to House Bill 30, as Introduced*

introduced budget. Information provided as part of the introduced budget reports that efficiencies will result from reassigning the E-911 program to an agency responsible for emergency management. However, the program as currently constituted is recognized as among the best E-911 programs in the nation. Further, VITA was in the process of modernizing Virginia's E-911 program prior to this proposed transfer. Much of the equipment for E-911 service is becoming outdated. The funding for modernization remains within VITA.)

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Technology and Operations Subcommittee

Item 432 #1h

<b>Technology</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Virginia Information Technologies Agency	\$2,013,717 17.00	\$2,030,415 17.00	NGF FTE

**Language:**

Page 386, line 39, strike "\$3,003,755" and insert "\$5,017,472".

Page 386, line 39, strike "\$2,987,057" and insert "\$5,017,472".

Page 387, strike lines 11 through 23.

**Explanation:**

(This amendment eliminates the proposed transfer of information technology procurement functions from VITA to the Department of General Services as contained in the Governor's introduced budget. While the description provided by the administration for this transfer states that it will allow for the consolidation of common business practices, it could actually increase the time required to approve projects and procurements due to the need for the Department of General Services to now integrate procurements into the project, approval, and security oversight requirements for information technology projects. The transfer may also interfere with the contractual responsibility the Commonwealth has to use Northrop Grumman as state government's primary infrastructure services provider.)

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Technology and Operations Subcommittee

Item 468 #1h

<b>Central Appropriations</b>	<b>FY 08-09</b>	<b>FY 09-10</b>	
Central Appropriations	(\$450,000)	(\$1,950,000)	GF

**Language:**

Page 418, line 15, strike "\$950,000" and insert "\$500,000".

Page 418, line 15, strike "\$2,450,000" and insert "\$500,000".

*Amendments to House Bill 30, as Introduced*

Page 418, line 19, strike "\$950,000" and insert "\$500,000".

Page 418, line 20, strike "\$2,450,000" and insert "\$500,000".

**Explanation:**

(This amendment reduces the general fund support for the Productivity Investment Fund. Given the decline in general fund resources, available general fund dollars are being directed to core services of state government.)

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Technology and Operations Subcommittee

Item 4-0.01 #1h

**General Provisions**

Operating Policies

Language

**Language:**

Page 496, after line 9, insert:

"d. No funding in this budget, or matching funds related to funding included in this budget, may be provided for human stem cell research from stem cells obtained from human embryos; however, research conducted using stem cells other than embryonic stem cells may be funded.

e. No funding in this budget, or matching funds related to funding included in this budget, may be provided for research on cells or tissues derived from induced abortions on humans."

**Explanation:**

(This amendment would prohibit state funding of embryonic stem cell research itself, but it would also permit entities that conduct such research (without using state money) to receive state funding. Entities that receive funding for embryonic stem cell research from federal and private sources may also receive state dollars for purposes other than embryonic stem research. State funding of research on aborted fetuses would be prohibited.)

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Technology and Operations Subcommittee

Item 4-1.02 #1h

**Appropriations**

Withholding of Spending Authority

Language

**Language:**

*Amendments to House Bill 30, as Introduced*

Page 496, strike lines 27 through 29, and insert:

"a. For purposes of this subsection, withholding of spending authority is defined as any action that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding."

**Explanation:**

(This amendment restores the definition for withholding spending authority to the definition that is currently in effect.)

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Technology and Operations Subcommittee

Item 4-1.02 #2h

**Appropriations**

Withholding of Spending Authority

Language

**Language:**

Page 497, after line 17, insert:

"4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees."

Page 497, line 18, strike "4." and insert "b)").

**Explanation:**

(This amendment restores language directing the Governor to provide written quarterly assessments of the current fiscal year's economic outlook. These quarterly assessments are to be in addition to any monthly reports on revenue collections.)

---

Technology and Operations Subcommittee

Item 4-1.02 #3h

**Appropriations**

Withholding of Spending Authority

Language

**Language:**

Page 497, after "appropriations.", insert:

"This reduction plan, with modifications, thereto, shall be the sole basis for withholding spending authority due to reduced revenues."



*Amendments to House Bill 30, as Introduced*

**Explanation:**

(This amendment restores language currently contained in the Appropriations Act specifying that the sole basis for withholding spending authority due to revenue reductions is a budget reduction plan, and any subsequent modifications to that plan, that has been submitted by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees.)

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Technology and Operations Subcommittee

Item 4-1.02 #4h

**Appropriations**

Withholding of Spending Authority

Language

**Language:**

Page 497, line 27, after "5.", insert "a)".

Page 497, after line 31, insert:

"b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be forwarded to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan."

**Explanation:**

(This amendment restores language contained in the current Appropriation Act regarding the submission of agency budget reduction proposals to the Chairmen of the House Appropriations and Senate Finance Committees. The amendment modifies the existing language to direct that, rather than submit these plans within five days of their submission, these budget reduction plans be submitted concurrently with the Governor's submission of his approved budget reduction plan.)

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Technology and Operations Subcommittee

Item 4-1.02 #5h

**Appropriations**

Withholding of Spending Authority

Language

**Language:**

*Amendments to House Bill 30, as Introduced*

Page 497, line 37, after "agency.", insert:  
"Without regard to § 4-5.05 b.4. of this act,"  
Page 497, line 37, strike "The" and insert "the".

**Explanation:**

(This amendment restores the language regarding payment of non-state agency grants affected by any budget reduction.)

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Technology and Operations Subcommittee

Item 4-1.06 #1h

**Appropriations**

Limited Adjustments of Appropriations

Language

**Language:**

Page 502, line 26, strike "notification of the Auditor of Public Accounts" and insert:  
"the written concurrence of the Auditor of Public Accounts".

**Explanation:**

(This amendment restores the language governing limitations on cash disbursements by the State Comptroller in certain circumstances, such as when July 1 falls on a weekend and necessitates the processing of transactions to prepare for that circumstance.)

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Technology and Operations Subcommittee

Item 4-2.01 #1h

**Revenues**

Nongeneral Fund Revenues

Language

**Language:**

Page 502, after line 47, insert:  
"3.a) The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority."

**Explanation:**

(This amendment restores language contained in the current Appropriation Act that

*Amendments to House Bill 30, as Introduced*

the Governor deleted.)

---

Technology and Operations Subcommittee

Item 4-2.01 #2h

**Revenues**

Nongeneral Fund Revenues

Language

**Language:**

Page 503, line 19, after "enrollment.", strike remainder of the line.

Page 503, strike lines 20 through 24.

**Explanation:**

(This amendment eliminates new language permitting the State Council of Higher Education for Virginia to issue a temporary waiver from the requirement to collect 100 percent of the costs of education from non-resident students to Norfolk State University. The language is superfluous. The existing language as contained in the existing Appropriation Act is sufficient to provide that waiver to Norfolk State University.)

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Technology and Operations Subcommittee

Item 4-2.02 #1h

**Revenues**

General Fund Revenue

Language

**Language:**

Page 506, after line 12, insert:

"n.1. Unless otherwise specifically required by federal or state law and only to the extent thereof, each settlement under subsection A. of § 2.2-514, Code of Virginia, that provides for the payment, conveyance, grant, forfeiture, assignment, or other distribution of moneys or of any property (whether real, tangible, or intangible) to settle the Commonwealth's interest or the interest of any department, agency, institution, division, commission, board, authority, or bureau thereof, shall provide that such moneys or property be deposited or assigned for deposit into the general fund of the state treasury to be appropriated as determined by the General Assembly. The provisions of this paragraph shall only apply to such settlements in favor of the Commonwealth and shall apply to both civil and criminal matters.

2. The provisions of this paragraph shall not apply to any settlement (a) in which the

*Amendments to House Bill 30, as Introduced*

total value of such moneys or property does not exceed \$250,000, (b) in which the entire amount of the settlement is for services provided or for property sold or provided under a contract, or (c) for an act or practice covered by the Virginia Consumer Protection Act (§ 59.1-196 et. seq., Code of Virginia) or the Virginia Antitrust Act (§ 59.1-9.1 et. seq., Code of Virginia)."

**Explanation:**

(This amendment establishes language providing that except in certain circumstances, such as where prohibited by federal or state law, all settlements providing a distribution of money or property to the Commonwealth shall be deposited or assigned for deposit to the general fund. Other exceptions to this policy include any settlement for \$250,000 or less, any settlement that is for services provided or for property sold under contract, or for any act covered by either the Virginia Consumer Protection Act or the Virginia Antitrust Act.)

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Technology and Operations Subcommittee

Item 4-3.01 #1h

**Debt**

Deficits

Language

**Language:**

Page 508, line 1, strike "in § 2 of" and insert "in § 4-2.02 b."

Page 508 line 2, strike "the first enactment".

**Explanation:**

(This amendment restores language governing the amount of revenues collected and paid into the general fund of the state treasury for the purpose of calculating the limit on the total amount of authorized deficits the Governor may approve.)

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Technology and Operations Subcommittee

Item 4-3.02 #1h

**Debt**

Treasury Loans

Language

**Language:**

Page 508, after line 45, insert:

"c) REPORTING: All outstanding loans shall be reported by the Governor to the

*Amendments to House Bill 30, as Introduced*

Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan."

**Explanation:**

(This amendment restores language that the Governor's introduced budget deleted.)

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Technology and Operations Subcommittee

Item 4-3.02 #2h

**Debt**

Treasury Loans

Language

**Language:**

Page 508, after line 49, insert:

"2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected."

Page 508, line 50, strike "2" and insert "b.)".

**Explanation:**

(This amendment restores language in the General Provisions that the Governor's introduced budget deleted.)

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Technology and Operations Subcommittee

Item 4-3.02 #3h

**Debt**

Treasury Loans

Language

**Language:**

Page 509, after line 3, insert:

"3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall

*Amendments to House Bill 30, as Introduced*

not exceed twelve months."

Page 509, line 4, strike "3" and insert "4".

Page 509, line 7, strike "4" and insert "5".

Page 509, line 10, strike "5" and insert "6".

**Explanation:**

(This amendment restores language within the General Provisions that the Governor's introduced budget deleted.)

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Technology and Operations Subcommittee

Item 4-3.03 #1h

**Debt**

Capital Leases

Language

**Language:**

Page 509, after line 27, insert:

"3. Not later than October 1, 2008, the Secretary of Administration and the Secretary of Finance shall develop procedures that guide state agencies in the developing of lease agreements for space owned by local governments or political subdivisions such that the lease agreements do not impact the state's debt capacity. To the extent such guidelines have been developed by the Secretary of Administration and the Secretary of Finance, the guidelines shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees."

**Explanation:**

(This amendment restores language within the General Provisions that was deleted in the Governor's introduced budget. In addition, the amendment changes the date for the development of guidelines for use by state agencies when leasing office space owned by localities and, to the extent any such guidelines exist, requires that those guidelines be reported to the Chairmen of the House Appropriations and Senate Finance Committees.)

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Technology and Operations Subcommittee

Item 4-3.03 #2h

**Debt**

Capital Leases

Language

*Amendments to House Bill 30, as Introduced*

**Language:**

Page 509, line 33, after "terms", insert "and structure".

**Explanation:**

(This amendment ensures that the in addition to approving the financing terms of a capital lease for a project that will exceed \$5.0 million in costs that the Treasury Board also approve the structure of that lease.)

---

Technology and Operations Subcommittee

Item 4-4.01 #2h

**Capital Projects**

General

Language

**Language:**

Page 510, line 21, strike "financings" and insert "all requests for appropriations"

**Explanation:**

(This amendment restores language within the General Provisions to the form that exists within the current Appropriation Act.)

---

Technology and Operations Subcommittee

Item 4-4.01 #3h

**Capital Projects**

General

Language

**Language:**

Page 512, line 1, after "Scope:", insert "1."

Page 512, after line 12, insert:

"2. If space planning guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides."

**Explanation:**

(This amendment restores language within the General Provisions that the Governor's introduced budget deleted.)

---

*Amendments to House Bill 30, as Introduced*

Technology and Operations Subcommittee

Item 4-5.04 #4h

**Special Conditions and Restrictions on Expenditures**

Goods and Services

Language

**Language:**

Page 521, strike lines 12 through 16.

**Explanation:**

(This amendment eliminates language included in the Governor's introduced budget that would have permitted the Governor or his designee to authorize state agencies to purchase goods or services to increase state government productivity and efficiency through use of the Public-Private Educational Facilities and Infrastructure Act (PPEA) of 2002. This new language was to apply notwithstanding any law to contrary, including the definition of a "qualifying project" found in the PPEA. Furthermore, the PPEA is already available to any agency of the Commonwealth to the extent that agency has the authority to both develop the project and provide funding for that project.)

---

Technology and Operations Subcommittee

Item 4-5.05 #1h

**Special Conditions and Restrictions on Expenditures**

Nonstate Agencies, Interstate Compacts and Organizational Memberships

Language

**Language:**

Page 521, line 31, strike "(nonhistorical)".

Page 521, line 33, strike "(nonhistorical)".

**Explanation:**

(This amendment eliminates any distinction between those nonstate agency grants awarded to historic sites and those grants awarded to other non-profit organizations. Currently, any grants to made to non-historic sites or organizations in excess of \$150,000 are paid in twelve or fewer monthly installments, depending upon when the first payment is made. Eliminating the distinction between historic sites and organizations and other non-profit organizations awarded nonstate agency grants places both of these groups on an equal footing.)

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*Amendments to House Bill 30, as Introduced*

Technology and Operations Subcommittee

Item 4-5.11 #1h

**Special Conditions And Restrictions On Expenditures**

Transfer of Certain Subaqueous Land

Language

**Language:**

Page 523, after line 27, insert:

"Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006."

**Explanation:**

(This amendment reinstates language about subaqueous lands that was deleted in the Governor's introduced budget.)

---

Technology and Operations Subcommittee

Item 4-6.01 #3h

**Positions and Employment**

Employee Compensation

Language

**Language:**

Page 523, strike line 39, and insert:

"b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown. No person subject to confirmation by the General Assembly pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, whose confirmation was subject to consideration by the General Assembly during its regular Session and was subsequently withdrawn, shall receive any compensation for his service if reappointed after the conclusion of the General Assembly's regular Session."

**Explanation:**

(This amendment restores language within the General Provisions that the Governor's introduced budget deleted. The language prevents the appointment of interim officials when those officials were subject to confirmation by the General Assembly during the regular Session.)

---

*Amendments to House Bill 30, as Introduced*

Technology and Operations Subcommittee

Item 4-6.01 #4h

**Positions and Employment**

Employee Compensation

Language

**Language:**

Page 524, after line 46, insert:

"c) Notwithstanding § 4-6.01 c.1.a), b) and c) preceding, the salary for any person who is appointed to and assumes a position listed in § 4-6.01 c.6 on and after January 14, 2006, but before July 1, 2006, shall not be reduced or increased from the salary established for such appointee pursuant to the provisions of § 4-6.01 c.1 of Chapter 951 of the 2005 Acts of Assembly, as such chapter may be amended in the 2006 Session of the General Assembly. However, such appointee shall be eligible to receive compensation supplements as prescribed in Item 472 of this act."

**Explanation:**

(This amendment restores language within the General Provisions that was deleted by the Governor's introduced budget. The language has been updated to provide the correct item reference from the introduced budget.)

---

Technology and Operations Subcommittee

Item 4-7.01 #1h

**Statewide Plans**

Manpower Control Program

Language

**Language:**

Page 535, line 52, after "Secretariats", insert "." and strike remainder of the line.

Page 536, strike line 1.

**Explanation:**

(This amendment restores language within the General Provisions to that existing in the current Appropriation Act.)

---

Technology and Operations Subcommittee

Item 4-8.02 #1h

**Reporting Requirements**

State Agencies

Language

*Amendments to House Bill 30, as Introduced*

**Language:**

Page 537, after line 18, insert:

"b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees."

Page 537, line 19, strike "b." and insert "c."

**Explanation:**

(This amendment restores language to the General Provisions that was deleted in the Governor's introduced budget.)

---

Technology and Operations Subcommittee

Item 4-9.01 #2h

**Higher Education Restructuring**

Approval of Management Agreement for Virginia Commonwealth University

Language

**Language:**

Page 537, strike lines 23 through 26

**Explanation:**

(This amendment eliminates language included in the General Provisions contained in the Governor's introduced budget stating that the management agreement between the Commonwealth and Virginia Commonwealth University was approved. The General Assembly approved that management agreement through stand-alone legislation.)

---

Technology and Operations Subcommittee

Item 4-9.02 #1h

**Higher Education Restructuring**

Assessment of Institutional Performance

Language

**Language:**

Page 537, line 32, after "Finance", strike "," and insert "and".

Page 537, line 32, strike "and Technology".

*Amendments to House Bill 30, as Introduced*

Page 537, line 43, strike "is authorized" and insert "shall".

**Explanation:**

(This amendment restores the language in this section of the General Provisions to the language contained in the existing Appropriation Act. Given that a number of the institutions of higher education are exempt from the language contained in the General Provisions regarding information technology facilities and services, it does not make sense to include the Secretary of Technology in the list of cabinet officials responsible for evaluating the institutional performance.)

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Technology and Operations Subcommittee

Item 4-9.02 #2h

**Higher Education Restructuring**

Assessment of Institutional Performance

Language

**Language:**

Page 540, line 18, strike "and § 4-9.02 K.4.a) of this act"

Page 540, line 20, strike "within 45 days" and insert:

"45 days prior to the start of a fiscal year."

Page 540, strike line 21.

**Explanation:**

(This amendment restores the language of this section of the General Provisions to the existing language contained in the current appropriation act.)

---

Technology and Operations Subcommittee

Item 4-13.00 #1h

**Effective Date**

Effective Date

Language

**Language:**

Page 540, line 47, strike "July 1, 2008" and insert:

"its passage as provided in § 1-214, Code of Virginia"

**Explanation:**

(This amendment restores the language contained in this section of the General Provisions, dealing with the effective date of the Appropriation Act, to the existing language contained in the current Appropriation Act.)

