



Report of the Subcommittee on
General Government

Senate Finance &
Appropriations Committee
Virginia General Assembly

February 10, 2021



SENATE OF VIRGINIA

Senate Finance & Appropriations Committee

2021 Report of the Subcommittee on General Government

The Honorable J. Chapman Petersen, Chair

February 10, 2021

Madam Chair and Members of the Committee:

Your Subcommittee has reviewed the provisions of Senate Bill 1100, the budget as introduced, for those portions of the budget that fall under the Subcommittee on General Government.

In this brief report, I would like to highlight a few of the key issues in the areas of the Judicial Department, Executive Offices, Administration, and Central Appropriations.

Beginning with the Judicial Department and Executive Offices, \$12.2 million over the biennium is provided in the budget as amended, related to legislation expanding the Court of Appeals of Virginia to provide an appeal of right in criminal and civil cases.

In the Office of Administration, the amended budget provides for significant restorations of previously unallotted and removed funding for constitutional offices, including: staffing for Sheriffs' and Commonwealth's Attorneys' offices; salary adjustments for regional jail officers and circuit court clerks; and increasing the reimbursement to localities for general registrars' and electoral board member salaries.

For employee compensation, the Subcommittee recommends providing additional funding of \$20.3 million in the second year for the provision of a three percent raise, effective September 1st, to acknowledge all of the hard work performed by our state and state-supported local employees, particularly in this challenging environment. And, in recognition of the outstanding work and dedication of our Capitol Police officers and support staff, the Subcommittee recommends funding of \$846,907.

Lastly, in an effort to better understand the tools and methodologies used to support our workforce during this extended period of teleworking, the Subcommittee has included language directing the Department of Human Resource Management and others to not only clearly define the state's return to work policies, but also to evaluate how this may inform future policy objectives regarding the use of telework as a means of achieving efficiencies, reducing costs, and sustaining a highly-qualified workforce.

Madam Chair, this completes the report of the Subcommittee on General Government.

Respectfully Submitted,

The Honorable J. Chapman Petersen, Chairman

The Honorable Stephen D. Newman, Vice-Chair

The Honorable L. Louise Lucas

The Honorable Jill H. Vogel

The Honorable Mamie E. Locke

The Honorable Adam P. Ebbin

REPORT OF THE SUBCOMMITTEE ON GENERAL GOVERNMENT (February 10, 2021)
(Proposed Amendments to SB 1100, 2021 Session, General Funds unless otherwise noted)

Line	Budget Item	SB 1100		
		GF FY 2021	GF FY 2022	GF Biennium
1	<u>Legislative Department</u>			
2				
3	General Assembly			
4	Study of Legislative Assistant Compensation and Benefits	\$ -	\$ -	<i>Language</i>
5				
6	Division of Capitol Police			
7	Increase Funding for Recruitment and Retention	\$ -	\$ 846,907	\$ 846,907
8				
9	Legislative Commissions/Committees			
10	Dr. Martin Luther King, Jr. Memorial Commission (Sen. Yvonne Miller Tribute)	\$ -	\$ 50,000	\$ 50,000
11	Establish Behavioral Health Commission	\$ -	\$ 348,744	\$ 348,744
12	Commission on Intergovernmental Dues	\$ 42,397	\$ 66,377	\$ 108,774
13				
14	Total - Legislative Department	\$ 42,397	\$ 1,312,028	\$ 1,354,425
15				
16	<u>Judicial Department</u>			
17				
18	Supreme Court			
19	Require Supreme Court to Distribute Evaluation Forms	\$ -	\$ -	<i>Language</i>
20	SB 1315 - Diminished Capacity	\$ -	\$ 100,000	\$ 100,000
21				
22	Court of Appeals			
23	Court of Appeals Reform	\$ 1,064,609	\$ 2,736,885	\$ 3,801,494
24				
25	Circuit Courts			
26	Reduction in court-appointed attorney fee appropriation (due to Chesterfield public defender office opening)	\$ -	\$ (421,117)	\$ (421,117)
27				
28	General District Courts			
29	Reduction in court-appointed attorney fee appropriation (due to Chesterfield public defender office opening)	\$ -	\$ (486,803)	\$ (486,803)
30				
31	Juvenile & Domestic Relations District Court			
32	Reduction in court-appointed attorney fee appropriation (due to Chesterfield public defender office opening)	\$ -	\$ (171,931)	\$ (171,931)
33				

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(Proposed Amendments to SB 1100, 2021 Session, General Funds unless otherwise noted)

Line	Budget Item	SB 1100		
		GF FY 2021	GF FY 2022	GF Biennium
34	Indigent Defense Commission			
35	Revert and redirect funding for Capital Defender Offices	\$ -	\$ (2,909,010)	\$ (2,909,010)
36	Establish Public Defender Office in Chesterfield County	\$ -	\$ 3,164,584	\$ 3,164,584
37	Fund Court of Appeals Expansion	\$ -	\$ 824,277	\$ 824,277
38				
39	Virginia State Crime Commission			
40	Pre-trial Collection and Reporting of Data	\$ -	\$ 333,200	\$ 333,200
41				
42	Total - Judicial Department	\$ 1,064,609	\$ 3,170,085	\$ 4,234,694
43				
44	<u>Executive Offices</u>			
45				
46	Office of the Attorney General			
47	Funding for Court of Appeals Expansion	\$ -	\$ 7,547,029	\$ 7,547,029
48				
49	Total - Executive Offices	\$ -	\$ 7,547,029	\$ 7,547,029
50				
51	<u>Office of Administration</u>			
52				
53	Compensation Board			
54	SAVIN System Enhancements	\$ -	\$ 600,000	\$ 600,000
55	Marriage License Fees	\$ -	\$ -	<i>Language</i>
56	Divorce Filing Fees	\$ -	\$ -	<i>Language</i>
57	Commonwealth's Attorneys Staffing Study	\$ -	\$ 250,000	\$ 250,000
58	Review of Sheriff Office Service Levels to Support MARCUS Alert	\$ -	\$ -	<i>Language</i>
59				
60	Department of Human Resource Management			
61	Establish Return-to-Work Policies	\$ -	\$ -	<i>Language</i>
62	Reimbursement for General Registrar and Electoral Board Compensation	\$ -	\$ 2,534,575	\$ 2,534,575
63				
64	Virginia Information Technologies Agency			
65	Network Infrastructure Reporting	\$ -	\$ -	<i>Language</i>
66				
67	Total - Office of Administration	\$ -	\$ 3,384,575	\$ 3,384,575
68				
69	<u>Commerce and Trade</u>			
70				

REPORT OF THE SUBCOMMITTEE ON GENERAL GOVERNMENT (February 10, 2021)
(Proposed Amendments to SB 1100, 2021 Session, General Funds unless otherwise noted)

Line	Budget Item	SB 1100		
		GF FY 2021	GF FY 2022	GF Biennium
71	Department of Housing and Community and Development			
72	Study of Local Fiscal Impacts of Mandatory Property Tax Exemptions	\$ -	\$ -	<i>Language</i>
73				
74	Total - Office of Commerce and Trade	\$ -	\$ -	\$ -
75				
76	<u>Office of Finance</u>			
77				
78	Department of Accounts			
79	Establishment of Opioid Abatement Fund	\$ -	\$ -	<i>Language</i>
80				
81	Department of Taxation			
82	Remove Funding for Tax Systems Changes	\$ -	\$ (234,635)	\$ (234,635)
83				
84	Treasury Board			
85	Defease Outstanding Bonds for CVTC	\$ 4,000,000	\$ -	\$ 4,000,000
86				
87	Total - Office of Finance	\$ 4,000,000	\$ (234,635)	\$ 3,765,365
88				
89	<u>Central Appropriations</u>			
90				
91	Three Percent Salary Increase for State and State-supported Local Employees (effective September 1, 2021)	\$ -	\$ 20,311,179	\$ 20,311,179
92	Workers' Compensation Presumption Bills Require Information on the Planning and Development of the Slavery and Freedom Heritage Site	\$ 224,900	\$ 257,100	\$ 482,000
93	Heritage Site	\$ -	\$ -	<i>Language</i>
94	Revenue Contingent Deposits (Direct Aid, DD Waiver Rates, VRS trust)	\$ -	\$ -	<i>Language</i>
95				
96	<u>Part 4</u>			
97				
98	Hampton Roads Unmanned Systems Park	\$ -	\$ -	<i>Language</i>
99	Redistricting Commission Communications and Member Compensation	\$ -	\$ -	<i>Language</i>
100				
101	Total - Central Appropriations	\$ 224,900	\$ 20,568,279	\$ 20,793,179
102				
103	Total - General Government	\$ 5,331,906	\$ 35,747,361	\$ 41,079,267

February 10, 2021 Report of the General Government Subcommittee, SB 1100

Item 4 #1s

Legislative Department	FY20-21	FY21-22	
Division of Capitol Police	\$0	\$846,907	GF

Language:

Page 15, line 44, strike "\$13,270,924" and insert "\$14,117,831".

Explanation:

(This amendment provides funding of \$846,907 GF the second year to increase the starting salaries of Division of Capitol Police police officers following graduation, manage salary compression, increase the starting salary of communications officers, and increase the salary of support and wage employees.)

Item 40 #1s

Judicial Department	FY20-21	FY21-22	
Court of Appeals of Virginia	\$1,064,609	\$2,736,885	GF
	27.00	25.00	FTE

Language:

Page 36, line 24, strike "\$10,183,547" and insert "\$11,248,156".

Page 36, line 24, strike "\$15,460,379" and insert "\$18,197,264".

Explanation:

(This amendment provides \$1.1 million GF and 27 FTE positions in FY 2021 and \$2.7 million GF and 25 FTE positions in FY 2022 for fixed costs and the prorated portion for 27 judicial staff positions in the first year and funding for two additional judgeships and 23 support positions, including clerk, IT and support staff, additional transcripts, and office accommodations in the second year associated with SB 1261 of the 2020 General Assembly Session, which expands the jurisdiction of the Court of Appeals. This is in addition to the funding of \$235,419 GF the first year and \$4.9 million GF for four judgeships and 27 staff positions in the second year included in the Governor's Introduced Budget, SB 1100.)

Item 41 #1s

Judicial Department	FY20-21	FY21-22	
Circuit Courts	\$0	(\$421,117)	GF

Language:

Page 37, line 12, strike "\$112,595,520" and insert "\$112,174,403".

Explanation:

(This amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 42 #1s	
Judicial Department	FY20-21	FY21-22
General District Courts	\$0	(\$486,803) GF

Language:

Page 39, line 18, strike "\$128,797,150" and insert "\$128,310,347".

Explanation:

(The amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 43 #1s	
Judicial Department	FY20-21	FY21-22
Juvenile and Domestic Relations District Courts	\$0	(\$171,931) GF

Language:

Page 40, line 20, strike "\$107,020,623" and insert "\$106,848,692".

Explanation:

(The amendment reflects the estimated Criminal Fund savings (court-appointed attorney costs) from opening a public defender office in Chesterfield County. A companion amendment to Item 48 (Indigent Defense Commission), requests funding to establish a public defender office for Chesterfield County. Savings reflect estimated first year cost savings prorated for six months.)

	Item 48 #1s	
Judicial Department	FY20-21	FY21-22
Indigent Defense Commission	\$0	(\$2,909,010) GF

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$60,239,840".

Page 43, after line 34, insert:

"E. Within the appropriation for this Item, \$1,019,506 in the second year from the general fund for Capital Indigent Defense Services (32702), shall be reallocated to Criminal Indigent Defense Services (32701), and the remaining funding contained within (32702) shall revert to the general fund, pursuant to Senate Bill 1165, of the 2021 General Assembly Session, which repeals the death penalty."

Explanation:

(This amendment redirects \$1.0 million GF the second year for Capital Indigent Defense Services to Criminal Indigent Defense Services within the Indigent Defense Commission, and reverts remaining funding currently appropriated for Capital Indigent Defense Services, pursuant to SB 1165, of the 2021 General Assembly Session repealing the death penalty, contingent upon its final passage.)

Item 48 #2s

Judicial Department	FY20-21	FY21-22	
Indigent Defense Commission	\$0	\$3,164,584	GF
	0.00	33.00	FTE

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$66,313,434".

Explanation:

(The amendment provides \$3.2 million GF and 33 positions in FY 2022, which represents the cost and staffing necessary to establish a public defender office for Chesterfield County, pursuant to SB 1442, of the 2021 General Assembly Session, contingent upon its final passage. Companion amendments to Items 41, 42, and 43 reduce estimated Criminal Fund (GF) court-appointed attorney prorated costs based on projected first year savings from opening the office, and a companion amendment to Item 48 redirects a portion of funding currently appropriated for Capital Indigent Defense Services, due to the passage of SB 1165, of the 2021 General Assembly Session, which repealed the death penalty.)

Item 48 #3s

Judicial Department	FY20-21	FY21-22	
Indigent Defense Commission	\$0	\$824,277	GF
	0.00	8.00	FTE

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$63,973,127".

Explanation:

(This amendment provides \$824,277 GF and 8.0 FTE attorney positions in FY 2022 related to SB 1261 of the 2021 General Assembly Session, which expands the jurisdiction of the Court of Appeals, contingent on its final passage.)

		Item 57 #1s	
Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	\$7,547,029 61.00	GF FTE

Language:

Page 48, line 42, strike "\$38,488,923" and insert "\$46,035,952".

Explanation:

(This amendment provides \$7.5 million GF and 61.00 FTE positions, including 48 attorney positions and 13 administrative support staff positions, associated with SB 1261 of the 2021 General Assembly Session, which expands the jurisdiction of the Court of Appeals, contingent on its final passage.)

		Item 477 #2s	
Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$20,311,179	GF

Language:

Page 554, line 9, strike "\$138,332,991" and insert "\$158,644,170".

Page 561, strike lines 12 through 23.

Page 565, line 1, strike "1".

Page 565, strike lines 5 through 51.

Page 565, line 1, following II. insert:

"The Governor is hereby authorized to allocate a sum of up to \$118,067,180 the second year from this appropriation, to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2021 and 2022, after the enactment by the General Assembly of the 2021 Appropriation Act. If within five days of the preliminary close of the fiscal year ending on June 30, 2021, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such

appropriation shall be used only for employee compensation purposes as stated in paragraphs JJ., KK., and LL. below.

2. Furthermore, \$139,781,368 provided in Item 145 of this act to support the state share of a three percent salary adjustment the second year for funded Standards of Quality instructional and support positions, Academic Year Governor's School Program instructional and support positions, and Regional Alternative Education Program instructional and support positions shall be unallotted, if the Comptroller determines that general fund revenues did not meet or exceed the forecast for fiscal year 2021 and the actions authorized in paragraphs JJ., KK., and LL. are not effectuated.

JJ.1. Contingent on the provisions of paragraph II.1. above, \$91,069,662 from the general fund the second year is provided to increase the base salary of the following employees by three percent on August 10, 2021:

- a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;
- b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;
- c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;
- d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;
- e. Heads of agencies in the Legislative Department;
- f. Full-time employees in the Legislative Department, other than officials elected by popular vote;
- g. Legislative Assistants as provided for in Item 1 of this act;
- h. Judges and Justices in the Judicial Department;
- i. Heads of agencies in the Judicial Department;
- j. Full-time employees in the Judicial Department;
- k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and
- l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.

2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive

the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.

b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.

3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on August 10, 2021. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.

4. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:

- a. The heads of agencies in the Legislative and Judicial Departments;
- b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;
- c. The Attorney General;
- d. The Director of the Virginia Retirement System;
- e. The Director of the Virginia Lottery;
- f. The Director of the University of Virginia Medical Center;
- g. The Chief Executive Officer of the Virginia College Savings Plan; and
- h. The Executive Director of the Virginia Port Authority.

5. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than August 10, 2021. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.

6. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase, on average. No higher education

administrators, executive officers, presidents, or faculty employees earning \$150,000 or more shall receive a pay adjustment provided for in this paragraph or otherwise provided for in this act.

KK.1. Contingent on the provisions of paragraph II.1. above, the appropriations in this Item include funds to increase the base salary of the following employees by three percent on September 1, 2021, provided that the governing authority of such employees use such funds to support salary increases for the following listed employees.

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and Comprehensive Community Corrections Act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

2. Out of the appropriation for Supplements to Employee Compensation is included \$24,125,830 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.

LL. Contingent on the provisions of paragraph II.1. above, included in the appropriation for this item is \$2,871,689 the second year from the general fund to provide a three percent increase in base pay for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions, effective August 10, 2021.”

Explanation:

(This amendment provides \$20.3 million GF the second year, above the \$97.8 million included in the Introduced Budget, to provide a three percent salary adjustment for state employees, including adjunct faculty at higher education institutions, effective August 10, 2021, for the September 1, 2021 paycheck, and state-supported local employees, effective September 1, 2021.)
