

*Joint
Conference Committee
Report on*

House Bill 1300

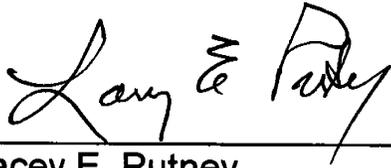
2012 Special Session I

April 17, 2012

We, the conferees, appointed by the respective bodies to consider and report the disagreeing vote on House Bill 1300 report as follows:

- A. We recommend that the House and Senate amendments be rejected.**
- B. We recommend that House Bill 1300, as introduced, be amended as follows to resolve the matters under disagreement.**

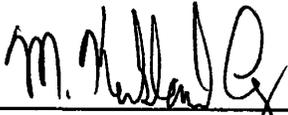
Respectfully submitted,



Lacey E. Putney



Walter A. Stosch



M. Kirkland Cox

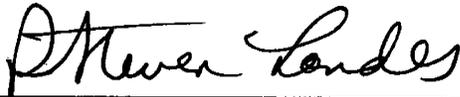


Charles J. Colgan



Beverly J. Sherwood

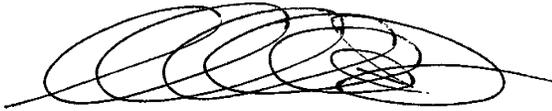
Richard L. Saslaw



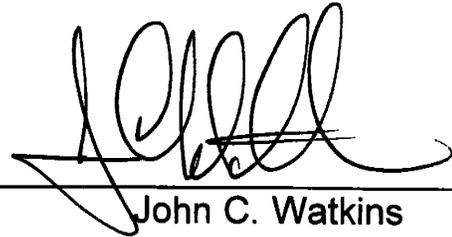
R. Steven Landes



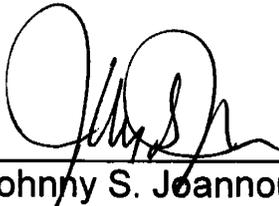
Emmett W. Hanger, Jr.



S. Chris Jones



John C. Watkins



Johnny S. Joannou



Stephen D. Newman

House Conferees

Senate Conferees

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Item 0 #1c

Revenues

Revenues

Language

Language:

Page 1, strike lines 28 through 40 and insert:

| | "First Year | Second Year | Total |
|--|--------------------|--------------------|------------------|
| Unreserved Balance, June 30, 2010 | 1,066,982,453 | 0 | 1,066,982,453 |
| Additions to Balance | 90,031,868 | (39,122,880) | 50,908,988 |
| Official Revenue Estimates | 14,718,486,729 | 15,723,586,847 | 30,442,073,576 |
| Transfers | 423,136,445 | 502,205,393 | 925,341,838 |
| Total General Fund Resources Available for Appropriation | 16,298,637,495 | 16,186,669,360 | 32,485,306,855". |

Page 1, strike lines 42 through 49 and insert:

| | "First Year | Second Year | Total |
|---|-----------------------|-----------------------|-------------------------|
| Balance June 30, 2010 | 3,893,497,975 | - | 3,893,497,975 |
| Official Revenue Estimates | 23,303,648,405 | 23,572,522,220 | 46,876,170,625 |
| Lottery Proceeds Fund | 435,200,000 | 473,100,000 | 908,300,000 |
| Bond Proceeds | 560,112,011 | 1,354,406,764 | 1,914,518,775 |
| Total Nongeneral Fund Revenues Available for Appropriations | 28,192,458,391 | 25,400,028,984 | 53,592,487,375 |
| TOTAL PROJECTED REVENUES | 44,491,095,886 | 41,586,698,344 | 86,077,794,230". |

Page 2, strike lines 1 through 8.

Explanation:

(This amendment reflects general fund and nongeneral fund revenue adjustments included in the conference report for House Bill 1300).

Item 1 #1c

Legislative Department

General Assembly Of Virginia

Language

Language:

Page 4, line 3, strike "Not set out.", and insert:

"General Assembly of Virginia (101)

1. Enactment of Laws (78200) \$33,802,907 \$33,897,607

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| | | |
|------------------------------|--------------|--------------|
| Legislative Services (78204) | \$33,802,907 | \$33,897,607 |
| Fund Sources: General | \$33,802,907 | \$33,897,607 |

Authority: Article IV, Constitution of Virginia.

A. Out of this appropriation, the House of Delegates is funded \$21,477,300 the first year and \$21,477,300 the second year from the general fund. The Senate is funded \$12,325,607 the first year and \$12,420,307 the second year from the general fund.

B. Out of this appropriation shall be paid:

1. The salaries of the Speaker of the House of Delegates and other members, and personnel employed by each House; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; public printing and related expenses required by or for the General Assembly; and the incidental expenses of the General Assembly (§§ 30-19.11 through 30-19.20, inclusive, and § 30-19.4, Code of Virginia). The salary of the Speaker of the House of Delegates shall be \$36,321 per year. The salaries of other members of the House of Delegates shall be \$17,640 per year. The salaries of the members of the Senate shall be \$18,000 per year.

2. The annual salary of the Clerk of the House of Delegates, \$144,167 from July 1, 2010 to June 24, 2011 and \$151,375 from June 25, 2011 to June 30, 2012.

3. The annual salary of the Clerk of the Senate, \$141,128 from July 1, 2010 to June 24, 2011 and \$148,184 from June 25, 2011 to June 30, 2012.

4. Expenses of the Speaker of the House of Delegates not otherwise reimbursed, \$16,200 each year, to be paid in equal monthly installments during the year.

5. In accordance with § 30-19.4, Code of Virginia, and subject to all other conditions of that section except as otherwise provided in the following paragraphs:

a. \$92,244 per calendar year for the compensation of one or more secretaries of the Speaker of the House of Delegates. Salary increases shall be governed by the provisions of Item 469 of this act.

b. \$138,365 per calendar year for the compensation of one or more legislative assistants of the Speaker of the House of Delegates. Salary increases shall be governed by the provisions of Item 469 of this act.

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c. \$37,871 per calendar year for the compensation of legislative assistants of each member of the General Assembly *from July 1, 2010 to June 24, 2011 and \$39,765 from June 25, 2011 to June 30, 2012*. Salary increases granted shall be governed by the provisions of Item 469 of this act.

d. The per diem for each legislative assistant of each member of the General Assembly, including the Speaker of the House of Delegates. Such per diem shall equal the amount authorized per session day for General Assembly members in paragraph B 7, if such legislative assistant maintains a temporary residence during the legislative session or an extension thereof and if the establishment of such temporary residence results from the person's employment by the member. The per diem for a legislative assistant who is domiciled in the City of Richmond or whose domicile is within twenty miles of the Capitol shall equal thirty-five percent of the amount paid to a legislative assistant who maintains a temporary residence during such session. For purposes of this paragraph, (i) a session day shall include such days as shall be established by the Rules Committee of each respective House and (ii) a temporary residence is defined as a residence certified by the member served by the legislative assistant as occupied only by reason of employment during the legislative session or extension thereof. Notwithstanding the provisions of (i) of the preceding sentence, if the House from which the legislative assistant is paid is in adjournment during a regular or special session, he must show to the satisfaction of the Clerk that he worked each day during such adjournment for which such per diem is claimed.

e. A mileage allowance as provided in § 2.2-2823 A, Code of Virginia, and as certified by the member. Such mileage allowance shall be paid to a legislative assistant for one round trip between the City of Richmond and such person's home each week during the legislative session or an extension thereof when such person is maintaining a temporary residence.

f. Per diem and mileage shall be paid only to a person who is paid compensation pursuant to § 30-19.4, Code of Virginia.

g. Not more than one person shall be paid per diem or mileage during a single weekly pay period for serving a member as legislative assistant during a legislative session or extension thereof.

h. No person, by virtue of concurrently serving more than one member, shall be paid

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mileage or per diem in excess of the daily rates specified in this item.

i. \$15,000 per calendar year additional allowance for secretaries or legislative assistants to the Majority and Minority Leaders of the House of Delegates and the Senate and for secretaries or legislative assistants to the President Pro Tempore of the Senate *and the Chairman Emeritus of the Senate Finance Committee* . Salary increases shall be governed by the provisions of Item 469 of this act.

6.a. All compensation and reimbursement of expenses to members of the General Assembly and non-General Assembly members for attending a meeting described in paragraphs B.6.c., B.6.d., B.7., and B.8. shall be paid solely as provided pursuant to this item.

b. The provisions of paragraphs B.6.c. and B.6.d. of this item shall not apply during any regular session of the General Assembly or extension thereof, or during any special session of the General Assembly; provided, however, that the provisions of such paragraphs shall apply during any recess of the same.

c. Notwithstanding any other provision of law, each General Assembly member shall receive compensation for each day, or portion thereof, of attendance at an official meeting of any joint subcommittee, board, commission, authority, council, compact, or other body that has been created or established by the General Assembly or by resolution of a house of the General Assembly, provided that the member has been appointed to, or designated an official member of, such joint subcommittee, board, commission, authority, council, compact, or other body pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation.

Notwithstanding any other provision of law, each General Assembly member shall also receive compensation for each day, or portion thereof, of attendance at an official meeting of (i) any standing committee or subcommittee thereof of the House of Delegates to which the member has been appointed, (ii) any standing committee or subcommittee thereof or Committee on Rules of the Senate to which the member has been appointed, or (iii) the Joint Rules Committee of the General Assembly. Any official meeting of a subcommittee of any of the committees described in clauses (i), (ii), or (iii) shall also be an official meeting for which the member shall receive compensation.

Notwithstanding any other provision of law, any General Assembly member whose

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attendance, in the written opinion of the chairman of (a) any joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly; (b) any such standing committee of the House of Delegates or of the Senate; (c) the Committee on Rules of the Senate; or (d) the Joint Rules Committee of the General Assembly, is required at an official meeting of the body shall also receive compensation for each day, or portion thereof, of attendance at such official meeting.

Any General Assembly member receiving compensation pursuant to this paragraph for attending an official meeting shall be reimbursed for his or her reasonable and necessary expenses incurred in attending such meeting. Notwithstanding any other provision of law, the reimbursement shall be provided by the respective body holding the meeting or by the entity that supports the work of the body.

d. Compensation to General Assembly members for attendance at any official meeting described under B.6.c. of this item shall be at the rate of \$200 for each day, or portion thereof, of attendance. In no case shall a member be paid more than an aggregate of \$200 in compensation for each day, or portion thereof, regardless of whether the member attends more than one official meeting during the day. The payment of such compensation shall be subject to the restrictions and limitations set forth in subsections B., C., and G. of § 30-19.12, Code of Virginia. Notwithstanding any other provision of law, compensation to General Assembly members for attendance at such official meetings shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. The body holding the meeting shall as soon as practicable report the member's attendance at any official meeting of such body to the Clerk of the House of Delegates or the Clerk of the Senate, as applicable, in order to facilitate payment of the compensation. Such body shall report the member's attendance in such manner as prescribed by the respective Clerk.

7. Notwithstanding any other provision of law, whenever any General Assembly member is required to travel for official attendance as a representative of the General Assembly at any meeting, conference, seminar, workshop, or conclave, which is not conducted by the Commonwealth of Virginia or any of its agencies or instrumentalities, such member shall be entitled to (i) compensation in an amount not to exceed the per day rate set forth in paragraph B.6.d., and (ii) reimbursement for reasonable and necessary expenses incurred. Such compensation and reimbursement for expenses shall be set by the Speaker of the House of Delegates for members of

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the House of Delegates and by the Senate Committee on Rules for members of the Senate.

8. The provisions of this paragraph shall apply only to non-General Assembly members (hereinafter, "citizen members") of any (i) board, commission, authority, council, or other body created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly, or (ii) joint legislative committee or subcommittee.

Notwithstanding any other provision of law, any citizen member of any body described in this paragraph who is appointed at the state level, or designated an official member of such body, pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation, shall receive compensation solely for each day, or portion thereof, of attendance at an official meeting of the same. In no event shall any citizen member be paid compensation for attending a meeting of an advisory committee or other advisory body. Subject to any contrary law that provides for a higher amount of compensation to be paid, compensation shall be paid at the rate of \$50 for each day, or portion thereof, of attendance at an official meeting.

Such citizen members shall also be reimbursed for reasonable and necessary expenses incurred in attending (i) an official meeting of any body described in this paragraph, or (ii) a meeting of an advisory committee or advisory body of any body described in this paragraph.

Compensation and reimbursement of expenses to such citizen members shall be paid by the body holding the meeting (or for meetings of advisory committees or advisory bodies, the body on whose behalf the meeting is being held) or by the entity that supports the work of the body.

A citizen member, however, who is a full-time employee of the Commonwealth or any of its local political subdivisions, including any full-time faculty member of a public institution of higher education, shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed by his employer.

9. Pursuant to § 30-19.13, Code of Virginia, allowances for expenses of members of the General Assembly during any regular session of the General Assembly or extension thereof or during any special session of the General Assembly shall be

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paid in an amount not to exceed the maximum daily amount permitted by the Internal Revenue Service under rates established by the U.S. General Services Administration.

10. Allowance for office expenses and supplies of members of the General Assembly, in the amount of \$1,250 for each month of each calendar year. An additional \$500 for each month of each calendar year shall be paid to the Majority and Minority Leaders of the House of Delegates and the Senate and to the President Pro Tempore of the Senate.

C. A legislative assistant of a member of the General Assembly regularly employed on a twelve (12) consecutive month salary basis receiving 60 percent or more of the salary allotted pursuant to paragraph A 5, may, for the purposes of §§ 51.1-124.3 and 51.1-152, Code of Virginia, be deemed a "state employee" and as such will be eligible for participation in the Virginia Retirement System, the group life insurance plan, the VRS short and long term disability plans, and the state health insurance plan. Upon approval by the Joint Rules Committee, legislative assistants shall be eligible to participate in the short and long-term disability plans sponsored by the Virginia Retirement System pursuant to Chapter 11 of Title 51.1, Code of Virginia. Such legislative assistants shall not receive sick leave and family and personal leave benefits under this plan. Short-term disability benefits shall be payable from the Legislative Reversion Clearing Account.

D. Out of this appropriation the Clerk of the House of Delegates shall pay the routine maintenance and operating expenses of the General Assembly Building as apportioned to the Senate, House of Delegates, Division of Legislative Services, Joint Legislative Audit and Review Commission, or other legislative agencies. The funds appropriated to each agency in the Legislative Department for routine maintenance and operating expenses during the current biennium shall be transferred to the account established for this purpose.

E. An amount of up to \$10,000 per year shall be transferred from Item 33 of this act, to reflect equivalent compensation allowances for the Lieutenant Governor as were authorized by the 1994 General Assembly. The Lieutenant Governor shall report such increases to the Speaker of the House and the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee.

F.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a joint

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subcommittee to review public higher education funding policies and to make recommendations to their respective committees. The objective of the review is to develop policies and formulas to provide the public institutions of higher education with an equitable funding methodology that: (a) recognizes differences in institutional mission; (b) provides incentives for achievement and productivity; (c) recognizes enrollment growth; and (d) establishes funding objectives in areas such as faculty salaries, financial aid, and the appropriate share of educational and general costs that should be borne by resident students. In addition, the review shall include the development of comparable cost data concerning the delivery of higher education through an analysis of the relationship of each public institution to its national peers. The public institutions of higher education and the staff of the State Council of Higher Education for Virginia are directed to provide technical assistance, as required, to the joint subcommittee.

2. The Joint Subcommittee on Higher Education Funding Policies shall conduct an assessment of the adequacy of the current educational and general funding levels for Virginia's public institutions of higher education. The assessment shall be used to develop guidelines against which to measure funding requests for higher education. The assessment shall include, but not be limited to, the following components:

- a) Updated student-to-faculty ratios based on current practice or industry norms.
- b) Consideration of support staff needs and the changing requirements of support staff due to technology and privatization of services previously performed by the institutions.
- c) Costs of instruction, such as equipment, utilities, facilities maintenance, and other nonpersonal services expenses.
- d) Recognition of the individual mission of the institution, student characteristics, location, or other factors that may influence the costs of instruction.
- e) Benchmarking of the funding guidelines against a group of peer institutions, or other appropriate comparator group, to assess the validity of the guidelines.
- f) Means by which measures of institutional performance can be assessed and incorporated into funding and policy guidelines for higher education.

3. The Joint Subcommittee on Higher Education Funding Policies shall develop a

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more precise methodology for determining funding needs at Virginia's public institutions of higher education related to enrollment growth. The methodology should take into consideration that support staff and operations may need to be expanded when enrollment growth reaches certain levels.

4. The Joint Subcommittee may seek support from the staff of the Senate Finance and House Appropriations Committees, the public institutions of higher education, or other higher education or state agency representatives, as requested by the Joint Subcommittee. At its discretion, the Joint Subcommittee may contract for consulting services.

5. The Joint Subcommittee is hereby continued to provide direction and oversight of higher education funding policies. The Joint Subcommittee shall review and articulate policies and funding methodologies on: (a) the appropriate share of educational and general costs that should be borne by students; (b) student financial aid; (c) undergraduate medical education funding; (d) the mix of full-time and part-time faculty; (e) the mix of in-state and out-of-state students as it relates to tuition policy; and (f) the viability of statewide articulation agreements between four-year and two-year public institutions.

6. a. It is the objective of the General Assembly that funding for Virginia's public colleges and universities shall be based primarily on the funding guidelines outlined in the November, 2001 report of the Joint Subcommittee on Higher Education Funding Policies.

b. Based on the findings and recommendations of its November, 2001 report, the Joint Subcommittee shall coordinate with the State Council of Higher Education, the Secretary of Education, and the Department of Planning and Budget in incorporating the higher education funding guidelines into the development of budget recommendations.

c. As part of its responsibilities to ensure the fair and equitable distribution and use of public funds among the public institutions of higher education, the State Council of Higher Education shall incorporate the funding guidelines established by the Joint Subcommittee into its budget recommendations to the Governor and the General Assembly.

G. The Chairmen of the Senate Finance and House Appropriations Committees shall each appoint four members from their respective committees to a joint subcommittee

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to review compensation of state agency heads and cabinet secretaries. The Department of Human Resource Management, the Virginia Retirement System and all other agencies and institutions of the Commonwealth are directed to provide technical assistance, as required, to the joint subcommittee.

H. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees.

2. The Joint Subcommittee on Elementary and Secondary Education Funding shall:
a) study the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and b) review the "federal revenue deduct" methodology, including the current use of a cap on the deduction; and c) review the methodology for establishing a consistent funding cap process for all state funded instructional and certain support positions.

3. The school divisions, the staff of the Virginia Department of Education, and staff of the Joint Legislative Audit and Review Commission, are directed to provide technical assistance, as required, to the joint subcommittee.

I. Notwithstanding the salaries listed in Item 1, paragraph B.2., of this act, the Speaker of the House may establish a salary range for the Clerk of the House of Delegates.

J. Notwithstanding the salaries listed in Item 1, paragraph B.3. of this act, the Senate Committee on Rules may establish a salary range for the Clerk of the Senate.

K. Notwithstanding the salaries set out in Items 2, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in Item 4-6.01 of this act.

Explanation:

(This is a technical amendment which corrects the salary for Legislative Assistants to reflect the five percent salary increase granted in fiscal year 2012 to offset the VRS employee contribution, and provides the additional allowance for the secretary or legislative assistant in certain additional offices as specified in this

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amendment. The entire text of the General Assembly budget is reprinted here because this item was not set out in House Bill 1300.)

Item 60 #1c

| | | | |
|---|-----------------|-----------------|-----|
| Executive Offices | FY 10-11 | FY 11-12 | |
| Attorney General And Department Of Law | \$0 | \$350,000 | NGF |

Language:

Page 14, line 10, strike "\$2,241,681" and insert "\$2,591,681".

Page 14, line 10, strike "Not set out." and insert:

| | | | |
|---|-----------|----------------------|-----------|
| "60. Regulation of Business Practices (55200) | 2,241,681 | 2,241,681 | 2,591,681 |
| Regulatory and Consumer Advocacy (55201) | 2,241,681 | 2,241,681 | 2,591,681 |

| | | | |
|---------------|---------|-----------|------------------------------|
| Fund Sources: | General | 1,341,681 | 1,341,681 |
| | Special | 900,000 | 900,000 1,250,000 |

Authority: Title 2.2, Chapter 5, Code of Virginia.

Included in this item is \$900,000 the first year and ~~\$900,000~~ \$1,250,000 the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 5 (§ 3.1-336.1 et seq.) and Article 6 (§ 3.1-336.3 et seq.) of Chapter 18 of Title 3.1 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$900,000 *the first year or \$1,250,000 the second year* on the final day of the fiscal year shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 5 (§ 3.1-336.1 et seq.) and Article 6 (§ 3.1-336.3 et seq.) of Chapter 18 of Title 3.1 of the Code of Virginia, costs associated with litigation initiated by the Office of the

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Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia."

Explanation:

(This amendment increases the special fund appropriation for the Office of the Attorney General for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund by \$350,000 beginning in fiscal year 2012.)

Item 67.20 #1c

| Administration | FY 10-11 | FY 11-12 | |
|-----------------------|-----------------|-----------------|----|
| Compensation Board | \$0 | (\$944,200) | GF |

Language:

Page 15, line 7, strike "\$405,794,654" and insert "\$404,850,454".

Page 18, line 5, strike "\$2,294,794" and insert "\$1,744,981".

Explanation:

(This amendment removes funding due to the delay in the opening of the Loudoun County Jail expansion (\$394,387) until February 1, 2012, as well as removing the remaining fiscal year 2012 funding that supports the Pittsylvania County Jail expansion (\$549,813).)

Item 98 #1c

Commerce And Trade

Department Of Business Assistance

Language

Language:

Page 27, after line 27, insert:

"B.7. For the I-95 HOV/HOT Lanes project as evidenced by the Comprehensive Agreement approved pursuant to the Public-Private Transportation Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2291 and 2.2-2285, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum."

Explanation:

(This amendment caps the charges that may be assessed by the VSBFA for serving as the conduit bond issuer for the I-95 HOT lanes public-private

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transportation project. It is the intent of the General Assembly that this item be set out upon the enrolling of House Bill 1300.)

Item 100 #1c

| | | | |
|--|-----------------|-----------------|----|
| Commerce And Trade | FY 10-11 | FY 11-12 | |
| Department Of Housing And Community Development | \$0 | (\$625,361) | GF |

Language:

Page 27, line 31, strike "\$61,227,114" and insert "\$60,601,753".

Page 29, line 27, strike "\$4,526,474" and insert "\$3,901,113".

Explanation:

(This amendment adjusts the appropriation for the Fort Monroe Authority in fiscal year 2012 to reflect available balances generated because the federal government did not fully convey the properties according to the originally scheduled time frame, thus reducing the utility costs that must be borne by the Authority.)

Item 111 #1c

| | |
|---|----------|
| Commerce And Trade | |
| Department Of Mines, Minerals And Energy | Language |

Language:

Page 31, line 19, after "gas", insert ", electricity,".

Explanation:

(This amendment authorizes the agency to assess an administrative surcharge on the state electric contracts in order to generate sufficient revenue to support an ongoing reduction strategy of \$95,978. This amount represents a position that was shifted from general fund support to fee revenue. According to the agency, an administrative surcharge equal to 0.06 percent of the state's entire electricity contract is sufficient to generate the revenue needed for this purpose.)

Item 120 #1c

| | | |
|---------------------------|-----------------|-----------------|
| Commerce And Trade | FY 10-11 | FY 11-12 |
|---------------------------|-----------------|-----------------|

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Explanation:

(This amendment adjusts the funded per pupil amount to \$129.62 for the Supplemental Support for School Operating Costs account. The funded per pupil amount was increased to \$129.78 in House Bill 1300, as introduced, to account for a lower average daily membership projection for fiscal year 2012. However, existing language in the budget states that payments for this account shall be paid on the basis of the original per pupil amount of \$129.62.)

Item 132 #2c

| Education: Elementary & Secondary | FY 10-11 | FY 11-12 | |
|--|-----------------|-----------------|----|
| Direct Aid To Public Education | \$0 | (\$21,039) | GF |

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,079,865".

Page 39, line 26, strike "\$13,743,372" and insert "\$13,722,333".

Page 39, line 40, strike "\$88,352,590" and insert "\$88,331,551".

Explanation:

(This amendment captures savings of \$21,039 the second year from the general fund as a result of updating the student enrollment for the spring 2012 semester at the A. Linwood Holton Governor's School.)

Item 132 #3c

| Education: Elementary & Secondary | FY 10-11 | FY 11-12 | |
|--|-----------------|-----------------|----|
| Direct Aid To Public Education | \$0 | (\$24,415) | GF |

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,076,489".

Page 39, line 38, strike "\$70,210,396" and insert "\$63,210,396".

Page 39, line 40, strike "\$88,352,590" and insert "\$81,352,590".

Page 40, line 34, strike "\$17,479,966" and insert "\$24,479,966".

Page 40, line 36, strike "\$454,400,000" and insert "\$461,400,000".

Page 47, line 38, strike "\$454,400,000" and insert "\$461,400,000".

Page 67, line 35, strike "\$70,210,396" and insert "\$63,210,396".

Page 67, line 36, strike "\$17,479,966" and insert "\$24,479,966".

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Explanation:

(This amendment captures \$24,415 the second year from the general fund as a result of Spotsylvania school division updating its participation in the K-3 Primary Class Size Reduction program by eliminating funding for reduced class size in one grade in an elementary school. Furthermore, the school division also updated their fall enrollment data.)

Item 132 #4c

| Education: Elementary & Secondary | FY 10-11 | FY 11-12 | |
|--|-----------------|-----------------|-----|
| Direct Aid To Public Education | \$0 | (\$18,702,952) | GF |
| | \$0 | \$18,700,000 | NGF |

Language:

Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,097,952".
Page 39, line 38, strike "\$70,210,396" and insert "\$63,210,300".
Page 39, line 40, strike "\$88,352,590" and insert "\$81,352,494".
Page 40, strike lines 33 and 34.
Page 40, after line 34, insert:
"Supplemental Support for School Operating Costs \$0 \$24,479,966".
Page 40, line 36, strike "\$454,400,000" and insert "\$473,100,000".
Page 47, line 38, strike "\$454,400,000" and insert "\$473,100,000".
Page 67, line 35, strike "\$70,210,396" and insert "\$51,510,396".
Page 67, line 36, strike "\$17,479,966" and insert "\$36,179,966".

Explanation:

(This amendment provides an additional \$18.7 million the second year from updating the Lottery Proceeds Fund revenue estimate. In addition, a like amount of the Supplemental Support for School Operating Costs will be transferred from the general fund into the Lottery Proceeds Fund Service area. This amendment will not change any funding going to the school divisions.)

Item 132 #5c

| Education: Elementary & Secondary | FY 10-11 | FY 11-12 | |
|--|-----------------|-----------------|----|
| Direct Aid To Public Education | \$0 | \$123,286 | GF |

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Language:

- Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,493,224,190".
- Page 39, line 38, strike "\$70,210,396" and insert "\$70,333,682".
- Page 39, line 40, strike "\$88,352,590" and insert "\$88,475,876".
- Page 40, line 1, strike "\$62,780,182" and insert "\$62,903,468".
- Page 40, line 34, strike "\$17,479,966" and insert "\$17,351,718".

Explanation:

(This amendment provides a net adjustment of \$123,286 the second year to provide funding for a data correction submitted from Fauquier and Richmond counties school divisions for the Virginia Preschool Initiative program.)

Item 132 #6c

**Education: Elementary &
Secondary**

Direct Aid To Public Education

Language

Language:

- Page 40, line 38, strike "\$58,078,000" and insert "\$58,052,000".
- Page 55, line 36, strike "\$58,078,000" and insert "\$58,052,000".
- Page 56, line 3, strike "\$58,078,000" and insert "\$58,052,000".

Explanation:

(This technical language amendment reflects the adjustment for Prince George County that is based on the number of eligible schools in the district. The proceeds from the Virginia Public School Authority are used to establish a computer-based instructional and testing system for the SOL and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools.)

Item 132 #7c

**Education: Elementary &
Secondary**

Direct Aid To Public Education

FY 10-11

FY 11-12

\$0

(\$3,000,000)

GF

Language:

- Page 38, line 11, strike "\$5,493,100,904" and insert "\$5,490,100,904".
- Page 67, strike lines 25 through 33.

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Page 67, line 34, strike "35" and insert "34".

Explanation:

(This amendment removes from fiscal year 2012 the funding for the Performance Pay Pilots since the bonus payments will be made in fiscal year 2013 rather than in fiscal year 2012. A companion amendment to the 2012-14 biennial budget includes \$1 million based on the nine schools participating in the pilot that are supported with the state funds.)

Item 132 #8c

Education: Elementary & Secondary

Direct Aid To Public Education

Language

Language:

Page 38, strike lines 49 through 55.

Page 39, strike lines 1 through 64.

Page 40, strike lines 1 through 38.

Page 38, after line 48, insert:

| "Standards of Quality (17801) | FY 2011 | FY 2012 |
|---|-----------------|---|
| Basic Aid | \$2,746,726,975 | \$2,868,000,323 \$2,860,903,585 |
| Sales Tax | \$1,123,100,000 | \$1,162,300,000 \$1,167,000,000 |
| Textbooks (from the general fund) | \$10,610,395 | \$547,995 \$0 |
| Vocational Education | \$65,975,053 | \$65,987,613 \$65,924,406 |
| Gifted Education | \$30,944,324 | \$31,060,898 \$31,020,899 |
| Special Education | \$361,744,703 | \$362,561,667 \$362,337,366 |
| Prevention, Intervention, and Remediation | \$69,458,001 | \$69,431,627 \$69,402,834 |
| VRS Retirement | \$104,031,534 | \$159,588,656 \$159,406,576 |
| Social Security | \$175,616,146 | \$176,117,112 \$175,916,399 |

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| | | |
|---|------------------------|--|
| Group Life | \$6,458,766 | \$6,478,763 \$6,470,917 |
| Total-17801 (excludes SFSF) | \$4,694,665,897 | \$4,902,074,654 \$4,898,382,982 |
| SOQ Funded from State Fiscal Stabilization Funds, Item 133 | \$122,941,314 | \$0 |
| Total-17801 (includes SFSF) | \$4,817,607,211 | \$4,902,074,654 \$4,898,382,982 |

| Incentive Programs (17802) | FY 2011 | FY 2012 |
|--|----------------------|---|
| Governor's School | \$13,753,589 | \$14,711,914 \$13,722,333 |
| Clinical Faculty | \$318,750 | \$318,750 |
| Career Switcher Mentoring Grants | \$279,983 | \$279,983 |
| Special Education-Endorsement Program | \$600,000 | \$600,000 |
| Special Education-Vocational Education | \$200,089 | \$200,089 |
| Composite Index Hold Harmless (GF) | \$88,349,513 | \$14,560,612 \$0 |
| Performance Pay Initiative | \$0 | \$3,000,000 \$0 |
| Supplemental Support for School Operating Costs | \$0 | \$87,693,820 \$51,500,691 |
| Total-17802 | \$103,501,924 | \$121,365,168 \$66,621,846 |

| Categorical Programs (17803) | FY 2011 | FY 2012 |
|-------------------------------------|----------------|----------------------------|
| Adult Education | \$1,051,800 | \$1,051,800 |
| Adult Literacy | \$2,645,375 | \$2,645,375 |
| Virtual Virginia | \$2,356,908 | \$2,356,908 |
| American Indian Treaty Commitment | \$62,012 | \$66,136 \$55,972 |
| School Lunch | \$5,801,932 | \$5,801,932 |
| Special Education-Homebound | \$5,028,591 | \$5,311,790 \$5,123,302 |
| Special Education-Jails | \$3,698,491 | \$4,065,031 \$3,409,107 |
| Special Education-State Operated | \$29,959,061 | \$32,784,982 |

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| | | |
|--|------------------------|---------------------|
| Programs | | \$31,518,455 |
| Total-17803 | \$50,604,170 | \$54,083,954 |
| | | \$51,962,851 |
| | Lottery (17805) | |
| | FY 2011 | FY 2012 |
| Foster Care | \$10,379,960 | \$11,280,189 |
| | | \$9,549,523 |
| At-Risk | \$63,963,698 | \$63,942,399 |
| | | \$63,940,825 |
| Virginia Preschool Initiative | \$60,482,416 | \$65,104,439 |
| | | \$62,907,575 |
| Early Reading Intervention | \$13,375,413 | \$13,409,571 |
| | | \$13,618,329 |
| Mentor Teacher | \$1,000,000 | \$1,000,000 |
| K-3 Primary Class Size Reduction | \$72,710,288 | \$74,777,373 |
| | | \$74,386,767 |
| School Breakfast Program | \$2,497,421 | \$2,935,937 |
| | | \$2,891,423 |
| SOL Algebra Readiness | \$9,074,317 | \$9,062,788 |
| | | \$9,185,714 |
| Alternative Education | \$6,715,412 | \$6,953,940 |
| | | \$6,941,282 |
| ISAEP | \$2,247,581 | \$2,247,581 |
| Special Education-Regional Tuition | \$70,989,340 | \$76,011,161 |
| | | \$68,193,503 |
| Vocational Education-Categorical | \$10,400,829 | \$10,400,829 |
| No Child Left Behind/Education for a Lifetime | \$4,749,675 | \$4,749,675 |
| | | \$4,437,895 |
| Project Graduation | \$2,774,478 | \$2,774,478 |
| Supplemental Basic Aid | \$906,692 | \$869,195 |
| | | \$855,839 |
| Remedial Summer School | \$20,823,833 | \$21,496,705 |
| | | \$20,979,581 |
| English as a Second Language | \$37,514,278 | \$39,960,785 |
| | | \$38,740,581 |
| Textbooks (from Lottery funds) | \$24,821,859 | \$26,892,683 |
| | | \$27,406,097 |

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| | | |
|---|----------------------|--|
| Composite Index Hold Harmless (Lottery) | \$19,772,510 | \$2,000,000 \$16,560,612 |
| Supplemental Support for School Construction Costs | | \$36,081,566 |
| Total-17805 | \$435,200,000 | \$435,875,000 \$473,100,000 |
| Technology - VPSA (NGF) | \$56,896,000 | \$57,168,000 \$58,052,000". |

Explanation:

(This amendment replaces the previous language for the reference table 'Appropriation Detail of Education Assistance Programs' to reflect changes in House Bill 1300 as adopted.)

Item 203 #1c

| | | | |
|--------------------------------------|-----------------|-----------------|----|
| Education: Higher Education | FY 10-11 | FY 11-12 | |
| Virginia Community College System | \$0 | (\$50,000) | GF |

Language:

Page 70, line 24, strike "\$787,221,959" and insert "\$787,171,959".

Page 70, line 24, strike "Not set out." and insert:

"Q. Out of this appropriation, \$100,000 from the general fund and \$100,000 from nongeneral funds the first year and \$30,000 from the general fund and \$100,000 from nongeneral funds the second year is provided for the Heavy Equipment Operator program at Southside Virginia Community College.

W. Out of this appropriation, \$20,000 the second year from the general fund shall be provided to the Southside Virginia Community College. Out of this amount, \$8,000 the second year from the general fund shall be provided to the Estes Community Center in Chase City, \$8,000 the second year from the general fund shall be provided to the Lake Country Advanced Knowledge Center in South Hill, and \$4,000 the second year from the general fund shall be provided to the Clarksville Enrichment Complex."

Explanation:

(This amendment transfers \$70,000 from the Heavy Equipment Operator program to three other programs at Southside Virginia Community College and to the

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Southside Virginia Regional Technology Consortium in fiscal year 2012. This item is not set out in House Bill 1300. It is the intent of the General Assembly to set out the item, delete the current paragraph Q of Item 203 and replace it with this language and add paragraph W as part of enrolling.)

Item 258 #1c

Finance

Department Of Accounts Transfer
Payments

Language

Language:

Page 80, strike lines 34 through 41.

Explanation:

(This amendment strikes language included in the introduced budget regarding a work group regarding potential reforms for the Line of Duty act.)

Item 271 #1c

Finance

Treasury Board

FY 10-11

FY 11-12

| | | |
|-----|-------------|-----|
| \$0 | (\$435,600) | GF |
| \$0 | \$435,600 | NGF |

Language:

Page 86, strike lines 38 through 56 and insert:

| "Institution | FY 2011 | FY 2012 |
|---|----------------|----------------|
| George Mason University | \$1,734,228 | \$2,073,870 |
| Old Dominion University | \$832,590 | \$966,510 |
| University of Virginia | \$4,266,442 | \$4,335,120 |
| Virginia Polytechnic Institute and State University | \$4,084,515 | \$4,204,800 |
| Virginia Commonwealth University | \$1,854,360 | \$1,558,530 |
| College of William and Mary | \$1,213,882 | \$1,284,120 |
| Christopher Newport University | \$101,790 | \$108,270 |
| University of Virginia's College at Wise | \$35,108 | \$37,350 |
| James Madison University | \$2,430,855 | \$2,429,190 |
| Norfolk State University | \$433,605 | \$453,960 |
| Longwood University | \$118,410 | \$107,910 |

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| | | |
|-----------------------------------|---------------------|----------------------|
| University of Mary Washington | \$422,985 | \$308,790 |
| Radford University | \$304,470 | \$251,820 |
| Virginia Military Institute | \$292,118 | \$315,900 |
| Virginia State University | \$749,985 | \$780,660 |
| Richard Bland College | \$5,730 | \$6,300 |
| Virginia Community College System | \$2,336,220 | \$3,096,450 |
| TOTAL | \$21,217,293 | \$22,319,550" |

Explanation:

(This amendment adjusts the debt service table that reflects revenue generated by the capital fee on out-of-state students at public colleges and universities taking into account the latest enrollment data.)

Item 283.10 #1c

Health And Human Resources

Department Of Health

Language

Language:

Page 94, strike line 11 and insert:

| | | |
|--|-----------|-----------|
| "Vital Records and Health Statistics (40400) | 6,779,897 | 6,779,897 |
| Health Statistics (40401) | 936,738 | 936,738 |
| Vital Records (40402) | 5,843,159 | 5,843,159 |
| Fund Sources: Special | 6,779,897 | 6,779,897 |

Authority: §§ 8.01-217, 32.1-249 through 32.1-276, and 32.1-305 through 32.1-309, Code of Virginia; and P.L. 93-353, as amended, Federal Code.

A. Effective July 1, 2004, the standard vital records fee shall be \$12.00 and the fee for the expedited record search shall be \$48.00.

B.1. Notwithstanding § 32.1-273.1., Code of Virginia, two dollars of each fee collected by the State Registrar shall be deposited by the Comptroller to the Virginia Vital Statistics Automation Fund and two dollars of each fee collected shall be used to fund health care services *in the first year*.

2. Notwithstanding § 32.1-273.1, Code of Virginia, \$518,421 the first year and \$518,421 the second year from the Vital Statistics Automation Fund shall be used to

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supplant general fund support from the Communicable Disease Prevention and Control Program."

Explanation:

(This amendment adds language to discontinue the transfer of \$2.00 of the vital records fee collected by the State Registrar to fund health care services in fiscal year 2012. A companion amendment in Part 3 eliminates the transfer of vital records fee revenue to the general fund in fiscal year 2012, thereby allowing it to be deposited into the Virginia Vital Statistics Automation Fund pursuant to § 32.1-273.1. of the Code of Virginia. This amendment will replace language in Item 283, Chapter 890, Acts of Assembly of 2011, during enrolling of House Bill 1300.)

Item 297 #1c

| Health And Human Resources | FY 10-11 | FY 11-12 | |
|-----------------------------------|-----------------|-----------------|-----|
| Department Of Medical Assistance | \$0 | (\$26,729,489) | GF |
| Services | \$0 | \$26,729,489 | NGF |

Language:

Explanation:

(This amendment reduces general fund support for Medicaid by \$26.7 million and replaces it with nongeneral funds from a federal bonus payment that was awarded on December 28, 2011. This bonus was authorized by the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, and is based on the change in children's enrollment in Medicaid. Last year's budget, Chapter 890, 2011 Acts of Assembly, assumed general fund savings estimated at \$9.9 million. However, the introduced budget removed the estimated general fund savings. This amendment reflects actual general fund savings, based on the amount received from the federal government.)

Item 329.10 #1c

| Health And Human Resources | FY 10-11 | FY 11-12 | |
|-----------------------------------|-----------------|-----------------|-----|
| Department Of Social Services | \$0 | (\$2,500,000) | GF |
| | \$0 | \$2,500,000 | NGF |

Language:

Page 127, strike line 29 and insert:

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| | | |
|---|-------------|-------------|
| "Child Support Enforcement Services (46300) | 764,349,040 | 763,748,430 |
| Support Enforcement and Collection Services (46301) | 94,150,869 | 93,550,259 |
| Public Assistance Child Support Payments (46302) | 11,000,000 | 11,000,000 |
| Non-Public Assistance Child Support Payments (46303) | 659,198,171 | 659,198,171 |
| Fund Sources: General | | 7,441,311 |
| | 7,511,730 | 9,941,311 |
| Special | | 703,133,306 |
| | 702,013,497 | 700,633,306 |
| Federal Trust | 54,823,813 | 53,173,813 |

Authority: Title 20, Chapters 3.1, 4.1, 5, 5.3, and 6; Title 63.2, Chapter 13, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 105-33, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments collected on their behalf.

C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.

D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the

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Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.

E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program."

Explanation:

(This amendment reduces \$2.5 million from the general fund and replaces it with \$2.5 million from nongeneral funds the second year to reflect rising payments from retained Temporary Assistance to Needy Families (TANF) collections that are used to provide resources for child support enforcement. The introduced budget assumes general fund savings of \$2.5 million in fiscal year 2013 and fiscal year 2014 based on an increase in retained TANF collections; those savings should also be reflected in fiscal year 2012. TANF collections in excess of \$100 each month are returned to the child support program if the family is receiving cash assistance. This amendment will replace language in Item 329, Chapter 890, Acts of Assembly of 2011, during enrolling of House Bill 1300.)

Item 355 #1c

Natural Resources

Department Of Environmental
Quality

Language

Language:

Page 132, line 28, after "fund." insert:

"It is the intent of the General Assembly that the Commonwealth remain a full participating member of the Interstate Commission on the Potomac River Basin."

Explanation:

(This amendment provides that the Commonwealth remain an active member of the Interstate Commission on the Potomac River Basin.)

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Item 379 #1c

| | | | |
|---------------------------|-----------------|-----------------|----|
| Public Safety | FY 10-11 | FY 11-12 | |
| Department Of Corrections | \$0 | \$95,000 | GF |

Language:

Page 135, line 13, strike "\$835,513,109" and insert "\$835,608,109".

Page 138, after line 21, insert:

"S. Included in the appropriation for this item is \$95,000 the second year from the general fund to provide transitional assistance to the Town of Boydton during the closure of Mecklenburg Correctional Center. The Department of Corrections shall make two monthly transitional payments to the Town of Boydton, beginning in May, 2012, which, when added to the amounts actually paid by DOC to the Town for sewage treatment services for fiscal year 2012, will equal the level of expenditures made by DOC for sewage treatment services during fiscal year 2011. The second payment shall be reduced on a dollar for dollar basis by any increased amounts of revenue accruing to the Town of Boydton in fiscal year 2012 from expanded sewage treatment services for any new economic development projects in Mecklenburg County, including, but not limited to, the new Microsoft data center. No payment shall be made for this purpose prior to the certification by the Auditor of Public Accounts that the amount to be paid is consistent with this item."

Explanation:

(This amendment provides transitional support to the Town of Boydton during the closure of Mecklenburg Correctional Center.)

Item 436 #1c

Transportation

| | |
|-----------------------------|----------|
| Secretary Of Transportation | Language |
|-----------------------------|----------|

Language:

Page 147, after line 2, insert:

"K.1. Except as required by federal law, when engaged in procuring products or services or letting contracts for construction, maintenance, or operation of any transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, maintenance, or operation, neither the Commonwealth Transportation Board, any state transportation agency, nor any

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construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents, provide an incentive in their scoring favoring entities entering into project labor agreements.

2. These provisions shall not apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy and perform all work associated with such investment or partnership in compliance with all collective bargaining agreements to which the private party is a signatory and is thus legally bound with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq. or the Railway Labor Act, 45 U.S.C. § 151 et seq.; prohibit an employer or any other person covered by the National Labor Relations Act or the Railway Labor Act, 45 U.S.C. § 151 et seq.; from entering into agreements or engaging in any other activity protected by law; or be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act or the Railway Labor Act."

Explanation:

(This amendment states that no project may be undertaken with any state funds if a scoring incentive is provided to entities entering into project labor agreements.)

Item 448 #1c

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 147, after line 14, insert:

"G.1. Prior to July 1, 2011, the director, Department of Rail and Public transportation, with the approval of CSX Transportation, shall initiate infrastructure improvement projects which *promote safety or* reduce the average dwell times of hazardous material shipments subject to regulation under Title 49 CFR Part 174 et seq. within rail yards, depots, sidings, and other intermediate terminals or facilities and properties located in the City of Fredericksburg ~~to not longer than 24 hours~~. These improvements may include, but are not limited to, those that (i) increase capacity at existing storage facilities terminating near Fredericksburg; (ii) increase the physical distance between commodity storage areas and residential

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communities; and (iii) transfer intermediate storage of commodities to locations closer to terminus of the shipment.

2. Out of the funds available for Rail Industrial Access pursuant to § 33.1-22.1:1, Code of Virginia, up to \$450,000 in the first year and up to \$450,000 in the second year is hereby authorized for associated infrastructure improvements in the City of Fredericksburg ~~and~~ or Spotsylvania County. Such funds may be awarded to CSX Transportation or other entities or political subdivisions identified by the Department as having responsibility for implementing the associated infrastructure improvement. In the allocation of funds for this project by the Commonwealth Transportation Board, the requirements of § 33.1-22.1:1, Code of Virginia, with the exception of § 33.1-22.1:1 F., are waived.

3. Not later than September 1, 2011, and December 31, 2011, the director, Department of Rail and Public Transportation, shall report to the Chairmen of the Senate Finance and House Appropriations Committees on the progress in implementing these improvements. The report shall include specific dates by which infrastructure improvements or other means of reducing average dwell times of hazardous material shipments are anticipated to be implemented or placed in service. In addition, this report shall also assess the adequacy of training provided by CSX Transportation to local first responders and regional hazmat response teams and establish a plan for enhanced training on addressing railroad and hazmat incidents including the development of a comprehensive emergency response plan.

4. In implementing this report, the Director, Department of Rail and Public Transportation, shall solicit the input and involvement of the affected jurisdictions. All agencies of the Commonwealth, upon request, shall provide necessary technical expertise."

Explanation:

(This amendment modifies language related to average dwell times of hazardous material shipments related to certain infrastructure projects and adds language that clarifies the goal of the projects include promoting safety. The current language is too narrowly worded to facilitate a grant agreement that would fund the projects agreed to by the various parties. Because this item is not set out in House Bill 1300, it is the intent of the General Assembly that the proposed amendments to the language would occur during enrolling.)

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Item 452 #1c

Transportation

Department Of Transportation

Language

Language:

Page 149, line 53, after "Bank." insert:

"\$9,884,426 of the general fund amounts deposited into the Virginia Transportation Infrastructure Bank in the second year shall be transferred to Item 447 for statewide transit formula assistance."

Explanation:

(This amendment directs that \$9.9 million of the fiscal year 2011 general fund surplus amounts dedicated to transportation be used to support the Mass Transit Fund. The allocation represents 14.7% of the general fund amounts, the statutory share of funds which mass transit receives from the transportation trust fund.)

Item 452 #2c

Transportation

Department Of Transportation

Language

Language:

Page 149, line 47, strike "\$67,241,000" and insert "\$38,562,713".

Page 150, after line 23, insert:

"K. From the amount contained in this item, \$28,678,287 the second year from the general fund, designated in accordance with the provisions of § 2.2-1514, Code of Virginia, shall be deposited in the Intercity Passenger Rail Operating and Capital Fund created pursuant to Chapter 868 of the 2011 Acts of Assembly. This deposit shall be permanent and nonreverting, and not subject to the provisions of § 33.1-23:02:2, Code of Virginia. This funding shall only be used for the operation and capital needs of Virginia intercity passenger rail services."

Explanation:

(This amendment directs a portion of the fiscal year 2011 general fund surplus dedicated to transportation for the one-time capitalization of the Intercity Passenger Rail Operating and Capital Fund that was established by the 2011 General Assembly. The remaining \$28.7 million continues to be reserved for the Virginia Transportation Infrastructure Bank.)

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Item 455 #1c

Transportation

Department Of Transportation

Language

Language:

Page 151, line 45, after "\$1,500,000 the first year" strike the remainder of the line.

Explanation:

(This amendment makes a technical correction to ensure that the language governing the second year amount provided for this program in this paragraph accurately reflects the amounts appropriated for it.)

Item 469 #1c

Central Appropriations

FY 10-11

FY 11-12

Central Appropriations

\$0

\$5,000,000 GF

Language:

Page 158, line 8, strike "\$59,471,557" and insert "\$64,471,557".

Page 158, line 8, strike "Not set out." and insert:

"Compensation and Benefit Adjustments (75700) -4,680,268 ~~59,471,557~~
64,471,557

Adjustments to Employee Compensation (75701) -5,927,794 ~~97,283,744~~
102,283,744

Adjustments to Employee Benefits (75702) 1,247,526 -37,812.187

Fund

Sources: General -4,680,268 ~~59,471,557~~
64,471,557

Authority: Discretionary Inclusion

A. Transfers to or from this item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;

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5. In-band salary adjustments for employees subject to the Virginia Personnel Act to recognize changes in duties or professional skill development, establish internal alignment (equitable salary relationships), or respond to labor market conditions (retention);

6. Employer costs of employee benefit programs when required by salary-based pay adjustments;

7. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and

8. Adjustments to the cost of employee benefits to include but not limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this item.

C. Except as provided for elsewhere in this item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:

1. The maximum cash match provided to eligible employees shall not be less than \$10.00 per pay period, or \$20.00 per month in the first year, and \$20.00 per pay period, or \$40.00 per month in the second year. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing

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appropriations to meet these requirements.

2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.

3. Employees who are otherwise eligible but whose 403 (b) provider does not participate in the cash match program by establishing a 401 (a) account are ineligible to receive a cash match.

4. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.

5. Pursuant to § 3-1.01 of this act, amounts estimated at \$3,491,632 the first year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with a reduction in the level of state match, from \$20 per pay period to \$10 per pay period, in the first year.

E. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.

F.1. Out of the appropriation for this item, amounts estimated at \$11,376,638 the first year and \$12,227,009 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund

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portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.

2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this item shall allow for a portion of employee medical premiums to be charged to employees.

3. The Department of Human Resources Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.

4. Notwithstanding any provision of law, effective July 1, 2009, coverage for lap band and gastric bypass surgery under the state employee health insurance program shall be conditional on the successful participation in a progressive weight management program to be developed by the Department of Human Resource Management.

5. Notwithstanding any provision of law, the funding included in this item pursuant to this Paragraph for state employee health insurance assumes the cessation of coverage for non-sedating antihistamines and erectile dysfunction drugs.

6. Included in this appropriation in the second year is funding to adjust the employer premiums for the state employee health insurance program to reflect the enactment of House Bill 2467 and Senate Bill 1062 of the 2011 General Assembly Session.

G. Out of the general fund appropriation for this item is included \$3,077,123 the first year and \$3,692,986 the second year to support the general fund portion of the costs associated with changes in premiums paid by state agencies on behalf of their employees for workers compensation coverage. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies based upon new workers compensation premiums as provided by the Department of Human Resource Management. Also, the Director, Department of Planning and Budget, is authorized to transfer funds between agencies based on these new premiums.

H.1. On July 1, 2010, the State Comptroller shall establish a fund on the books of the

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Commonwealth to be known as the Virginia Retirement System Suspense Payment Fund. For the purposes of the provisions of § 2.2-813, Code of Virginia, this fund shall be considered part of the general fund and shall contain all payments made to it by agencies of the Commonwealth and any appropriations or other deposits directed to be made to it by the General Assembly. Within this fund, the State Comptroller shall establish separate fund details for each of the programs (retirement, group life insurance, retiree health care credit, and the Virginia Sickness and Disability Program) for which payment is required to be made to the Virginia Retirement System (VRS). All funds remaining in this fund at the close of any fiscal year shall become part of the general fund balance.

2. Effective July 1, 2010, any agency that participates in a program sponsored by VRS shall make its contribution payment for each program to the Department of Accounts for deposit into the Virginia Retirement System Suspense Payment Fund. Such payments may be made either by payment through the state's payroll system or by direct payment from the agency. Payments made to the Department of Accounts shall be based upon the funded rates which are set out below:

| Retirement | FY 2011 | FY 2012 |
|--|----------------|----------------|
| Regular VRS | 6.58% | 6.58% |
| SPORS | 21.16% | 21.16% |
| VaLORS | 13.09% | 13.09% |
| JRS | 42.58% | 42.58% |
| Other Post Employment Benefits | | |
| Group Life | 1.02% | 1.02% |
| Retiree Health Care Credit | 0.99% | 0.99% |
| Virginia Sickness and Disability Program | 0.66% | 0.66% |

3. Out of the general fund appropriation for this item is included \$6,839,113 the first year and \$7,136,455 the second year from the general fund to support the general fund portion of the net costs resulting from changes in employer contributions for state employee retirement as provided in the above table.

4. Pursuant to § 3-1.01 of this act, amounts estimated at \$258,636 the first year and \$269,882 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with reductions in employer contributions for the Virginia Law Officers Retirement System as provided in the above table.

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5. The Director, Department of Planning and Budget, shall withhold and transfer to this item, amounts estimated at \$983,313 the first year and \$1,026,049 the second year from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from changes in contribution rates for state employee Other Post Employment Benefits as provided in the above table.

6. Pursuant to § 3-1.01 of this act, amounts estimated at \$4,855,893 the first year and \$5,066,977 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with savings resulting from changes in contribution rates for state employee Other Post Employment Benefits as provided in the above table.

I. The payments prescribed in paragraph H.2. above shall be made according to a schedule approved by the State Comptroller for each agency.

1. From these funds, the State Comptroller shall make payment to VRS for all programs in accordance with the rates approved by the General Assembly and set out below:

| Retirement | FY 2011 | FY 2012 |
|--|----------------|----------------|
| Regular VRS | 2.13% | 2.08% |
| SPORS | 7.76% | 7.73% |
| VaLORS | 5.12% | 5.07% |
| JRS | 28.81% | 28.65% |
| Other Post Employment Benefits | | |
| Group Life | 0.28% | 0.28% |
| Retiree Health Care Credit | 0.10% | 0.10% |
| Virginia Sickness and Disability Program | 0.00% | 0.00% |

Such payment shall be made after the tenth day following the close of each quarter of the fiscal year. Beginning July 1, 2011, such payments shall be made no later than the tenth day following the close of each month.

2. For pay periods effective on or after March 25, 2012 the payments to VRS for the retirement programs as shown in I.1. above shall be increased to 6.58 percent for Regular VRS, 21.16 percent for SPORS, 13.09 percent for VaLORS, and 42.58 percent for JRS.

3. The State Comptroller shall transfer any excess balances paid into the fund that are

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not needed to make the payments set out in paragraph 1 above and that are attributable to federal trust funds, transportation funds from the Virginia Department of Transportation, bond funded capital projects, and the appropriate federal portion of Internal Service funds to the agencies and fund sources from which they were derived.

4. Notwithstanding any contrary provision of law, on or before June 30 of each fiscal year, the State Comptroller shall deposit to the general fund all excess balances in the fund, less any amounts needed to make payments pursuant to paragraphs 1 and 2 above. Such deposits are estimated at \$245,727,423 the first year and \$224,149,479 the second year. These amounts represent the savings associated with reduced employer contribution rates for retirement, group life insurance, retiree health care credit, and the Virginia Sickness and Disability Program for these fiscal years.

5. Notwithstanding any contrary provision of law, the State Comptroller shall have broad authority to establish the policies and procedures needed to execute the provisions of this section in order to maintain its intended objective and to comply with any accounting standards or requirements of federal law.

6. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for the 2012-2014 biennium, and subsequent biennia, the Board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the Board's assumed long-term rate of return. The Governor shall include funds to support payment of such Board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly.

J.1 Retirement contribution rates paid for public school teachers, excluding the five percent employee portion, shall be 3.93 percent in the first year and 6.33 percent in the second year.

2. Contribution rates paid for public school teachers for the retiree health care credit shall be 0.60 percent in the first and the second year.

K.1. Pursuant to the enactment of House Bill 1189, 2010 Session of the General Assembly, the Director, Department of Planning and Budget, shall withhold and

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transfer to this item, amounts estimated at \$4,283,243 the first year and \$11,491,947 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings from the provision requiring employees hired on or after July 1, 2010, with no prior service, to pay the five percent employee contribution for their retirement benefit.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$2,890,092 the first year and \$8,370,859 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the requirement for new employees to pay the 5 percent employee contribution.

L.1 Pursuant to the enactment of House Bill 1189 of the 2010 General Assembly Session, the Director of Department of Planning and Budget shall withhold and transfer to this item, amounts estimated at \$379,321 the first year and \$716,999 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings from the provision decreasing the state's contribution into the optional retirement plans for employees hired on or after July 1, 2010, with no prior service.

2. Pursuant to § 3-1.01 of this act, amounts estimated at \$414,365 the first year and \$793,825 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the decrease in the contribution rates into the optional retirement plans for employees hired on or after July 1, 2010, with no prior service.

M.1. Notwithstanding any provision to the contrary, any references to a period of 14 days or a period of 28 days in §§ 51.1-1111, -1112, -1122, and -1123 of the Virginia Sickness and Disability Program (VSDP) are hereby changed to a period of 45 days. Moreover, the period of 45 days shall be consecutive days that the participating employee is (i) actively at work and (ii) fully released to return to work full time, full duty. The Virginia Retirement System shall develop policies and procedures to administer the effects of the 45-day period in connection with participants who are deemed to have a major chronic condition.

2. Notwithstanding any provision to the contrary, any eligible employee commencing employment or re-employment on or after July 1, 2009, shall not be entitled to receive Virginia Sickness and Disability Program benefits under Article 3, Chapter 11, Title 51.1, Code of Virginia, (Nonwork Related Disability Benefits) until the employee completes one continuous year of active employment or re-employment.

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3. Notwithstanding any provision to the contrary, for all eligible employees commencing employment or re-employment on or after July 1, 2009, short-term disability coverage under the Virginia Sickness and Disability Program shall provide income replacement for no more than 60 percent of a participating employee's creditable compensation for the first 60 months of continuous state service after employment or re-employment.

N. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia. Instead, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System beginning with the June 30, 2011, actuarial valuation.

O.1. Notwithstanding any other provisions of law, the State Comptroller shall delay the transfer of all employer-paid retirement contributions under all defined benefit plans administered by VRS for the final five paydays of fiscal year 2011 to fiscal year 2012. The applicable transfers shall occur no later than July 10, 2011.

2. The Director, Department of Planning and Budget, shall withhold and transfer to this item amounts estimated at \$14,399,470 the first year from the general fund appropriations of state agencies and institutions of higher education, representing savings from the delay in payments provided for in this paragraph.

3. Out of the general fund appropriation for this item, \$41,725,458 in the second year is available to be transferred to state agencies and institutions of higher education to support the general fund cost, and if necessary to offset any one-time non-general fund cost incurred by the institutions of higher education, related to eliminating the delay in the transfer of employer paid retirement payments beginning in fiscal year 2012.

P. The election of a Virginia Retirement System employer to pay, for any employee who was a Virginia Retirement System member on or before June 30, 2010, an equivalent amount in lieu of all member contributions under the provisions of § 51.1-144F is irrevocable. The provisions of this paragraph are declaratory of existing public policy and law.

Q. The purpose of this paragraph is to provide a transitional severance benefit, under

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the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including

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fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.

e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.

f. All transitional severance benefits payable pursuant to this section shall be subject

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to applicable federal laws and regulations.

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and 51.1-205, and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.

b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.

c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.

d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.

e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System beginning with the June 30, 2011 actuarial evaluation.

R. Out of the general fund appropriation for this item, \$3,400,000 in the second year

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shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with benefits provided pursuant to the Line of Duty Act.

S.1. All classified employees of the Executive branch and other full-time employees of the Commonwealth, except elected officials, who were employed on June 30, 2010 and remain employed until at least December 1, 2010, shall receive a one-time bonus payment equal to three percent of base pay on December 1, 2010, contingent upon additional general fund resources equaling or exceeding \$82,200,000 from the combination of actual general fund revenue collections for fiscal year 2010 exceeding the official fiscal year 2010 revenue estimate contained in the first enactment of House Bill 29 of the 2010 session of the General Assembly, and by any discretionary unspent general fund appropriations recommended by the Governor for reversion at the end of fiscal year 2010. If the combination of additional general fund revenue collections and year-end general fund balances recommended for reversion by the Governor for fiscal year 2010 exceed the official revenue estimate by less than \$82,200,000, the one-time bonus payment shall be prorated to a percent of base pay for the general fund payroll that equates to the amount of excess resources collected.

2. For purposes of paying the general fund share of the December 1, 2010, one-time bonus, the State Comptroller shall reserve \$82,200,000 on the balance sheet for the general fund attributable to fiscal year 2010 general fund revenue collections in excess of the official revenue estimate and discretionary general fund balances recommended for reversion by the Governor.

3. The Director of the Department of Planning and Budget shall administratively increase nongeneral fund appropriations as required to implement the one-time bonus payment.

T.1. Every (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, except an elected official, who is a member covered by the defined benefit plan of the Virginia Retirement System established under Chapter 1 of Title 51.1 (§ 51.1-100 et seq.), (ii) member of the State Police Officers' Retirement System under Chapter 2 of Title 51.1 (§ 51.1-200 et seq.), or (iii) member of the Virginia Law Officers' Retirement System under Chapter 2.1 of Title 51.1 (§ 51.1-211 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia, shall be required to pay member contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code in

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the amount of five percent of creditable compensation, effective June 25, 2011.

2. The base salary of employees described in subparagraph T.1. above shall be increased by five percent effective on June 25, 2011.

3. Out of the general fund appropriation for this item, \$15,057,664 in the second year shall be transferred to state agencies and institutions of higher education to support the net general fund cost as a result of the actions described in paragraphs 1 and 2 above.

U. The Director, Department of Planning and Budget, shall withhold and transfer to this item, amounts estimated at ~~\$10,533,020~~ \$5,533,020 the second year from the general fund and various nongeneral fund appropriations of state agencies representing savings associated with the freeze on new hires in Executive Department agencies. The Secretary of Finance shall establish the procedures to be used in determining the amounts to be reverted from impacted agencies.”

Explanation:

(This amendment reduces the estimated savings associated with the freeze on new hires in Executive Department agencies by \$5.0 million in fiscal year 2012. The amendment includes all of the language included in Item 469 because Item 469 was not set out in House Bill 1300.)

Item 469 #2c

Central Appropriations

Central Appropriations

Language

Language:

Page 158, line 8, insert:

"V.1. All classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials, who were employed on April 1, 2012 and remain employed until at least November 24, 2012, shall receive a one-time bonus payment equal to three percent of base pay on December 1, 2012, contingent upon additional general fund resources equaling or exceeding \$77,200,000 from the combination of actual general fund revenue collections for fiscal year 2012 exceeding the official fiscal year 2012 revenue estimate contained in the first enactment of the 2010-12 appropriations act, as amended by the 2012 session of the General Assembly, and by any discretionary unspent general fund

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appropriations recommended by the Governor for reversion at the end of fiscal year 2012. In the event that the total of all funds provided for in this paragraph are insufficient to fully fund the general fund cost of the three percent one-time bonus payment, such bonus payment shall be prorated to a percent of base pay for the general fund payroll that equates to the amount of total general fund resources provided.

a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Meets Expectations" on their performance evaluation and have no active written notices under the Standards of conduct for the preceding review period.

2. For purposes of paying the general fund share of the December 1, 2012, one-time bonus, after meeting all Constitutionally-required deposits to the Revenue Stabilization Fund, the State Comptroller shall reserve \$77,200,000 in the Restricted Fund Balance on the balance sheet for the general fund attributable to fiscal year 2012 general fund revenue collections in excess of the official revenue estimate and discretionary general fund balances recommended for reversion by the Governor, prior to designating amounts for the Committed Fund Balance.

3. The Director of the Department of Planning and Budget shall administratively increase nongeneral fund appropriations as required to implement the one-time bonus payment."

Explanation:

(This amendment provides for a one-time three percent bonus for all state employees on December 1, 2012.)

Item 470 #1c

Central Appropriations

Central Appropriations

Language

Language:

Page 160, strike lines 53 and 54 and insert:

"K.1. Out of the appropriation for this item, \$30,000,000 the second year from the general fund is provided to capitalize a the Federal Action Contingency Trust (FACT) Fund. It is the intent of the General Assembly that \$7,500,000 of that

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amount be set aside and provided to fund needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission which were subsequently agreed to by the President and the United States Congress relating to any locality in which a United States Navy Master Jet Base is located in fiscal year 2013. State funds appropriated for this purpose and administered by the Office of the Secretary of Veterans Affairs and Homeland Security shall be used to mitigate adverse affects on any military operations caused by the encroachment of incompatible land uses. In addition, if the conditions of paragraph K.5. of this item are met, up to \$1,000,000 in fiscal year 2013 and \$1,000,000 in fiscal year 2014 may be provided to assist any locality in which a U.S. Air Force Base is located to mitigate adverse impacts on military operations and employment levels caused by encroachment of incompatible land uses, in advance of further actions by the federal Base Realignment and Closure Commission or any similar federal actions.

2. The purposes of this FACT Fund are to address: (i) impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC) or any subsequent BRAC recommendations; (ii) in order to continue statutorily required federally mandated services at the present level if federal budget reductions are imposed; or (iii) unique economic development opportunities to expand the Commonwealth's ability to attract businesses in targeted sectors to help transition industries negatively affected by federal budget reductions or BRAC recommendations.

3. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Approval Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory committee.

4. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Approval Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days

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concerning his decision to distribute money from the FACT Fund having previously received approval from the advisory committee.

5. If the U.S. Congress substantially delays or amends the automatic \$1.2 trillion in federal budget reductions scheduled to take effect in January 2013 pursuant to the Budget Control Act of 2011; and, the Governor and the advisory committee determines that the result of any such action will not significantly impact the Commonwealth's revenues, a contingent appropriation identified in Item 105 of House Bill 1301 as adopted by Special Session I, 2012 Session of the General Assembly, may be provided from the Federal Action Contingency Trust (FACT) Fund."

Page 161, strike line 1.

Explanation:

(This amendment modifies language authorizing the Federal Action Contingency Trust (FACT) Fund in order to establish criteria for use of the funding as well as to establish an advisory committee.)

Item 470 #2c

| Central Appropriations | FY 10-11 | FY 11-12 | |
|-------------------------------|-----------------|-----------------|----|
| Central Appropriations | \$0 | \$146,035 | GF |

Language:

Page 158, line 11, strike "\$55,533,368" and insert "\$55,679,403".

Page 161, after line 1, insert:

"L. Out of the appropriation for this item, the Director, Department of Planning and Budget, shall transfer to the General Assembly \$146,035 the second year, for Virginia's annual assessment to the Council of State Governments. Of this amount, one-third (\$48,678) shall represent the dues payable on behalf of the Executive Department, one-third (\$48,678) shall represent the dues payable on behalf of the Judicial Department, and the remaining one-third (\$48,679) shall represent the dues payable on behalf of the Legislative Department. Of the amount for annual dues payable on behalf of the Legislative Department, \$13,908 shall be allocated at the discretion of the Senate Committee on Rules and \$34,771 shall be allocated at the discretion of the Speaker of the House of Delegates."

Explanation:

(This amendment restores \$146,035 from the general fund the second year for Virginia's annual assessment to the Council of State Governments.)

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$100,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Criminal Justice Services.

H. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$100,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Juvenile Justice.

I. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$25,000 representing savings generated from fiscal year 2011 year-end balances from the Parole Board.

J. The Director, Department of Planning and Budget, shall, on or before June 30, 2012, authorize the reversion to the general fund of \$25,000 representing savings generated from fiscal year 2011 year-end balances from the Department of Conservation and Recreation.

K. The Director, Department of Planning and Budget, shall unallot in the second year \$88,000 from the Department of Social Services (765), Item 333 of Chapter 890 of the Acts of Assembly of 2011, which reflects unused balances in Financial Assistance to Community Human Services Organizations."

Explanation:

(This amendment reverts year-end appropriation balances from the Department of Criminal Justice Services, the Department of Juvenile Justice, the Parole Board, and the Department of Conservation and Recreation. Language is also added to capture balances in fiscal year 2012 of \$88,000 general fund in financial assistance to community human services organizations within the Department of Social Services.)

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Item 473 #2c

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. In addition to the reversions required in Item 32 of this act, on or before June 30, 2012 the Committee on Joint Rules shall authorize the reversion to the general fund of \$2,799,135 representing additional savings within legislative agencies. This savings includes estimated savings within the legislative agencies as follows:

| Legislative Agency | Estimated Savings |
|--|--------------------------|
| Auditor of Public Accounts (133) | \$500,000 |
| Division of Capitol Police (961) | \$423,406 |
| Va. Sesquicentennial of American Civil War Comm. (859) | \$500,000 |
| Division of Legislative Services (107) | \$300,000 |
| Division of Legislative Automated Systems (109) | \$575,000 |
| Joint Legislative Audit and Review Commission (110) | \$250,000 |
| Virginia Code Commission (108) | \$175,000 |
| Virginia Commission on Youth (839) | \$25,000 |
| Joint Commission on Health Care (844) | \$15,000 |
| Virginia State Crime Commission (142) | \$15,000 |
| Commission on Prevention of Human Trafficking (866) | \$18,720 |
| Chesapeake Bay Commission (842) | \$2,009". |

Explanation:

(This amendment captures \$2.8 million in additional balance reversions within the Legislative Department.)

Item 473 #3c

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize a reversion to the general fund of \$885,381 from Items 67.20, 67.40, 67.50, 67.60, 67.70 and 67.80 representing unallocated funds as a result of the

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policy of limiting state support to for the Career Development programs to those individuals participating in the program prior to January 1, 2010."

Explanation:

(This amendment captures \$885,381 in unallocated appropriation within the Compensation Board as a result of the policy limiting state support for the Career Development programs to those individuals participating in the program prior to January 1, 2010.)

Item 473 #4c

Central Appropriations

Central Appropriations

Language

Language:

Page 161, after line 49, insert:

"G. In addition to the reversions required in Item 52 of this act, the State Comptroller shall transfer, on or before June 30, 2102, to the general fund additional savings from within the Judicial Department of \$700,000."

Explanation:

(This amendment reflects additional savings of \$700,000 from the general fund from within the judicial department in fiscal year 2012.)

Item 483 #1c

Independent Agencies

Virginia Retirement System

Language

Language:

Page 163, line 11, insert:

"D. The Virginia Retirement System shall make those changes to administrative policies, procedures, and systems as are necessary for implementation of the public employee retirement reforms provided for in Senate Bill 498 and House Bill 1130 of the 2012 General Assembly Session. Such nongeneral funds as are required to implement these changes are hereby appropriated."

Explanation:

(This amendment provides for implementation of pension reform legislation, adopted in the 2012 Session.)

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Item C-5.10 #1c

| | | | |
|------------------------------------|-----------------|-----------------|-----|
| Education: Higher Education | FY 10-11 | FY 11-12 | |
| Christopher Newport University | \$0 | \$2,000,000 | NGF |

Language:

Page 169, line 10, strike "\$1,000,000" and insert "\$3,000,000".

Page 169, line 10, strike "Not set out." and insert:

"Christopher Newport University (242)

| | | | |
|---------------|--|---------|-----------|
| 5.10. | Planning: Student Success Center (17872) | 500,000 | 0 |
| | | | 3,000,000 |
| Fund Sources: | Higher Education Operating | 500,000 | 0 |
| | | | 3,000,000 |

1. This appropriation provides funding to conduct preplanning for the construction of a Student Success Center. Christopher Newport University is authorized to use up to ~~\$500,000~~\$3,500,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase.

2. Christopher Newport University is authorized to increase the project scope to 80,870 square feet of new construction."

Explanation:

(This amendment provides additional nongeneral fund authority and a project scope change for the Student Success Center at Christopher Newport University. The item is not set out in the introduced budget but it will be set out as part of enrolling the budget.)

Item C-20.50 #1c

| | |
|------------------------------------|----------|
| Education: Higher Education | |
| George Mason University | Language |

Language:

Page 170, after line 2, insert:

"C-20.50. Construct Institute for Conflict Analysis and Resolution (16835)

A. George Mason University is authorized to proceed with the construction of the Institute for Conflict Analysis and Resolution (16835) project within the funding previously authorized. The project includes 27,000 square feet for a conference

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center / academic facility, a wastewater treatment facility and residential space for faculty, students and guests.

B. George Mason University shall provide a semiannual report on the project status to the Chairmen of the House Appropriations Committee and Senate Finance Committee until project completion."

Explanation:

(This amendment modifies the scope of a previously approved project at George Mason University.)

Item C-37.10 #1c

| Education: Higher Education | FY 10-11 | FY 11-12 |
|------------------------------------|-----------------|------------------|
| University Of Mary Washington | \$0 | \$15,000,000 NGF |

Language:

Page 170, line 30, strike "\$45,000,000" and insert "\$60,000,000".

Explanation:

(This amendment increases the appropriation for construction of the new dining and student center at Mary Washington University by \$15.0 million from 9(d) bond proceeds.)

Item C-73.10 #1c

| Education: Higher Education | FY 10-11 | FY 11-12 |
|------------------------------------|-----------------|-----------------|
| Virginia State University | \$0 | \$4,500,000 NGF |

Language:

Page 172, line 21, strike "\$0" and insert "\$4,500,000".

Page 172, line 21, after "C-73.10", strike "Not set out." and insert:

| | | |
|--|-------------|---------------|
| "Acquisition: Acquire Ettrick Property (17312) | \$5,840,000 | \$0 |
| | | \$4,500,000 |
| Fund Sources: Higher Education Operating | \$5,840,000 | \$0 |
| | | \$4,500,000 " |

Explanation:

(This amendment provides additional nongeneral fund appropriation authority to acquire real estate for Virginia State University's Multipurpose Center and its expansion into Ettrick. The acquisition costs of the properties have been higher than

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was originally projected thus making the need for additional appropriation authority necessary.)

Item C-73.30 #1c

Education: Higher Education

Virginia State University

Language

Language:

Page 172, after line 22, insert:

"C-73.30. New Construction: Gateway II

The existing appropriation of \$38,342,000 from 9(c) bond proceeds for the Gateway II student housing project is reduced to \$37,700,000 and \$642,000 is appropriated from 9(d) Virginia College Building Authority bond proceeds for construction of a parking deck adjacent to the Gateway II site."

Explanation:

(This amendment reduces the existing appropriation from 9(c) bond proceeds for construction of the Gateway II student housing project at Virginia State University by \$642,000 and appropriates \$642,000 from 9(d) bond proceeds.)

Item 3-1.01 #1c

Transfers

Interfund Transfers

Language

Language:

Page 182, after line 8, insert:

"6. On or before June 30, 2012, the State Comptroller shall restore \$2,689 from the general fund to the State Asset Forfeiture Fund (Fund 0233) in the Department of Agriculture and Consumer Services, pursuant to § 4-1.05 b. of this act."

Explanation:

(This amendment restores amounts that were reverted from the State Asset Forfeiture Fund (Fund 0233) in the Department of Agriculture and Consumer Services.)

Item 3-1.01 #2c

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Transfers

Interfund Transfers

Language

Language:

Page 182, after line 18, insert:

"WW. On or before June 30, 2012, the State Comptroller shall transfer to the general fund \$1,500,000 from fiscal year 2011 year end balances from the Workforce Retraining Fund (fund 0909 in Item 98).

XX. On or before June 30, 2012, the State Comptroller shall transfer to the general fund \$12,000,000 from fiscal year 2011 year end balances in the Governor's Development Opportunity Fund (fund 0910 from agency 192)."

Explanation:

(This amendment transfers fiscal year 2011 balances from the Governor's Opportunity Fund and the Department of Business Assistance training funds to the general fund.)

Item 3-1.01 #3c

Transfers

Interfund Transfers

Language

Language:

Page 175, line 31, strike "\$1,631" and insert "\$0".

Page 175, line 33, strike "\$8,308" and insert "\$0".

Page 180, strike line 5.

Explanation:

(This amendment reduces transfers from the Litter Control and Recycling Fund to the general fund by a total of \$264,939 in fiscal year 2012.)

Item 3-1.01 #4c

Transfers

Interfund Transfers

Language

Language:

Page 182, line 14, after "year" insert:

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"and proceeds estimated at \$3,611,000 from the sale of the former Tax Department Building shall be deposited into the general fund in the second year."

Explanation:

(This amendment reflects the revenue that is expected to be realized in fiscal year 2012 from the sale of the former Tax Department Building. The introduced budget assumed the sale would occur in fiscal year 2013.)

Item 3-1.01 #5c

Transfers

Interfund Transfers

Language

Language:

Page 175, after line 43, insert:

"8. Commission on The Virginia Alcohol Safety Action Program (Special)

For expenses incurred for care, treatment, study
and rehabilitation of alcoholics by the Department
of Behavioral Health and Developmental Services
and other state agencies.

\$0

\$1,000,000".

Page 175, line 46, strike "\$74,936,039" and insert "\$75,936,039".

Explanation:

(This amendment transfers \$1.0 million in nongeneral fund balances within the Commission on the Virginia Alcohol Safety Action Program to support expenses incurred by the Department of Behavioral Health and Developmental Services to support treatment and rehabilitation of those suffering from substance abuse.)

Item 3-1.01 #6c

Transfers

Interfund Transfers

Language

Language:

Page 179, line 1, strike "and \$890,000 the second year".

Explanation:

(This amendment eliminates the transfer of \$2.00 the second year from the vital records fee to the general fund for health care purposes. A companion amendment in

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Item 383.10 modifies language to allow this portion of the fee to be provided to the Virginia Vital Statistics Automation Fund consistent with § 32.1-273.1. of the Code of Virginia.)

Item 3-1.01 #7c

Transfers

Interfund Transfers

Language

Language:

Page 182, after line 18, insert:

"WW. On or before June 30, 2012, the State Comptroller shall transfer \$200,508 from the general fund to the Trust and Agency Fund (Fund 0700) for the Department of State Police to restore revenue inadvertently deposited to the general fund in fiscal year 2011."

Explanation:

(This amendment restores nongeneral fund revenue inadvertently deposited to the general fund in fiscal year 2011.)

Item 3-1.01 #8c

Transfers

Interfund Transfers

Language

Language:

Page 182, after line 18, insert:

"WW. On or before June 30, 2012, the State Comptroller shall transfer to the general fund an amount estimated at \$66,500,000 from the Regulatory, Consumer Advocacy, Litigation and Enforcement Revolving Trust Fund established in Item 48 of Chapter 966 of the Acts of Assembly of 1994."

Explanation:

(This amendment reflects the transfer to the general fund in the current fiscal year, 2012, the amounts anticipated to be generated for the Commonwealth from the National Mortgage Servicing Settlement. Separate action in House Bill 1301 appropriates \$7.0 million of this amount for the creation of a Housing Trust Fund.)

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Item 3-1.01 #9c

Transfers

Interfund Transfers

Language

Language:

Page 175, line 52, strike "53,300,000" and insert "55,007,718".

Explanation:

(This amendment increases the estimated transfer of ABC profits to the general fund by \$1,707,718 in fiscal year 2012. Companion amendments in Part 3 of House Bill 1301 increase the estimated transfer of ABC profits in fiscal year 2013 and 2014.)

Item 3-2.03 #1c

Working Capital Funds and Lines of Credit

Lines of Credit

Language

Language:

Page 183, after line 56, insert:

"f. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse the department for disaster related costs. Such loans shall be based on the federal reimbursements anticipated in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months, if necessary."

Explanation:

(This amendment provides authority for the Secretary of Finance to issue treasury loans for the Department of Emergency Management to cover disaster-related costs in anticipation of reimbursement by the Federal Emergency Management Agency. The language is needed because of delays in receiving FEMA reimbursement for expenses related to Hurricane Irene of August 27, 2011.)

Item 3-3.03 #1c

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General Fund Deposits

Interest Earnings

Language

Language:

Page 184, line 12, strike "\$16,675,169" and insert "\$16,649,754".

Page 185, strike line 30.

Explanation:

(This amendment allows the Parking Fund to retain its interest. All proceeds collected by the Parking Fund are made through fees charged to state employees. Any interest earnings help offset those fees.)

Item 3-5.01 #1c

Adjustments and Modifications to Tax Collections

Qualified Equity and Subordinated Debt Investment Tax Credit

Language

Language:

Page 189, line 20, after "\$5,000,000." insert:

"For taxable years beginning on and after January 1, 2011, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000."

Explanation:

(This amendment continues the cap on the tax credit that has been in effect since January 1, 2006 with the exception of tax year 2010.)
