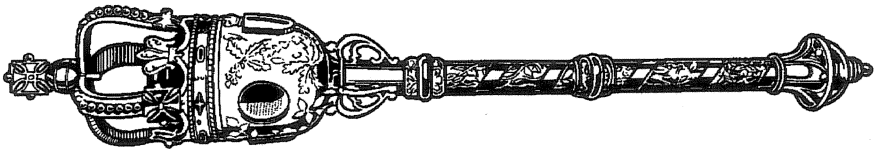
Report of the House Appropriations Subcommittee

on

General Government



House Bill 1500

February 6, 2011

REPORT OF THE SUBCOMMITTEE
on
GENERAL GOVERNMENT

Mr. Chairman and Members of the Committee:

Consistent with the guidance we received from our Chairman, the General Government Subcommittee's work has focused on two objectives. First was to continue to scrutinize the funding levels within our areas of responsibility to identify additional savings that are appropriate and would not negatively impact service to the citizens of the Commonwealth. Second, we focused on identifying appropriate ways to help our partners on the local level who continue to provide services to our citizens despite decreases in local revenues and a difficult but necessary reduction in our local aid funding. I am pleased to present to you today a series of recommendations supporting these two goals.

Mr. Chairman, our first effort as a subcommittee is to ensure to the citizens that the money both in the House of Delegates and the agencies in the legislative branch are spent responsibly. As always, Speaker Howell has taken a very active role in ensuring that the legislative branch continues to operate in an efficient and cost-effective manner. To that end, I am pleased to report that our recommendations include slightly over $4.0 million in savings within the legislative branch in addition to the $7.3 million included in this budget as adopted in the 2010 session.

While the subcommittee devoted much of its energies on identifying ways to save the taxpayers money, we did feel it necessary to make limited investments to help support our constitutional officers. To that extent, we are pleased to recommend the appropriation of $11.0 million to provide our constitutional officers a one-time 2% bonus effective December 1, 2011. These employees, much like our state employees, have not received a salary

increase since December of 2007. Furthermore, the subcommittee is recommending language clarifying that our circuit court clerks will continue to receive reimbursements for the work they perform collecting state revenues. We view these reimbursements as a good investment to ensure the continued operations of our clerks' offices, which produce revenues for the state as well our localities.

Lastly, Mr. Chairman, while everyone on this subcommittee understands the difficult financial situation we face as a Commonwealth and the need to identify savings and resources, we felt compelled to reject the proposal to transfer cash balances from the State Bar to the General Fund. We feel it is inappropriate to transfer to the General Fund cash balances that represent required membership dues which are intended to be for the sole purpose of regulating and improving the quality of that profession.

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

Respectfully Submitted by the House Appropriations Subcommittee on General Government:

Watkins M. Abbitt, Jr., Chairman

Harvey B. Morgan

Robert Tata

Riley E. Ingram

James P. Massie, III

Clarence E. Phillips

Johnny S. Joannou

Mamye E. BaCote /with reservation to change courts

HB 1500 Amendment	2001-12 Biennium General Fund	Nongeneral Fund	FTE
General Government			
General Assembly			
Legislative Compensation	Language		
Transfer Capitol Guides from DLS	190,000		
Division of Legislative Services			
Transfer Capitol Guides to the Clerks Office	(190,000)		
Virginia Commission on Intergovernmental			
Reduce Funding for Dues by 25%	(94,345)		
Legislative Reversion Clearing Account			
Reversion of House Clerks Office Balances	Language		
Reversion of Legislative Balances	Language		
Supreme Court			
Eliminate State Funding for Local Drug Courts	(2,951,000)		
Circuit Courts			
Correct Language Stating Funding for Criminal Fund	Language		
Judicial Department Reversion Clearing Account			
Reversion of Indigent Defense Commission Balances	Language		
Office of Attorney General			
HB 1757 - Address Confidentiality	6,110		
State Compensation Board			
Consolidation of Alleghany County and Covington	Language		
Department of Accounts			
Clarify Lang. - Pmts. Of Commisssions to Circuit Clerks	Language		
Department Of Planning and Budget			
Localities - Reimburse 50% of School Efficiciency Reviews	(190,665)		
Department Of Taxation			
Virginia Free File Program	Language		
Central Appropriations			
2% Bonus for Constitutional Officers	11,016,586		
Part 3: Transfers			
Strike Language Related to Transfer from the State Bar	Language		
Total General Government	7,786,686	0	0

General Government - Independent Subcommittee Item 1 #1h

Legislative Department

General Assembly Of Virginia Language

Language:

Page 5, strike lines 25 through 32 and insert:

"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, 7, and 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 of the House of Delegates to which the member has been appointed, (ii) any standing committee 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 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 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 if 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 of the 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 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 (a) an official meeting of any body described in this paragraph, or (b) 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 of the 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 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."

Page 5, line 33, strike "8" and insert "10".

Page 492, strike lines 49 and 50 and insert:

"c. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of board, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body."

Explanation:

(This amendment clarifies current policies for compensation and reimbursement of expenses for attending meetings for members of the General Assembly.)

Item 1 #2h

Legislative Department	**FY 10-11**	**FY 11-12**	
General Assembly Of Virginia	$0	$190,000	GF

Language:

Page 4, line 5, strike "$33,752,907" and insert "$33,942,907".

Page 7, after line 35, insert:

"L. The operations of the Capitol Guides program shall be jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate. Out of the amounts appropriated for this item, the Clerk of the House of Delegates shall pay the salaries and fringe benefits for the full-time and part-time guides. Supervision of the Capitol Tour Guides, including employment, shall be shared jointly between the Clerk of the House of Delegates and the Clerk of the Senate."

Explanation:

(This amendment transfers $190,000 from the general fund in the second year to support the Capitol Guides program. A companion amendment reduces the Division of Legislative Services budget by $190,000 to reflect the transfer of these expenditures from the DLS to the budget for the Clerk of the House of Delegates.)

General Government - Independent Subcommittee

Item 6 #1h

Legislative Department	**FY 10-11**	**FY 11-12**	
Division Of Legislative Services	$0	($190,000)	GF

Language:

Page 9, line 21, strike "$6,015,667" and insert "$5,825,667".

Explanation:

(This amendment, along with a companion amendment in Item 1, transfers $190,000 from the general fund in the second year to support the Capitol Guides program from DLS to the budget for the Clerk of the House of Delegates.)

General Government - Independent Subcommittee

Item 31 #1h

Legislative Department	**FY 10-11**	**FY 11-12**	
Virginia Commission On	$0	($94,345)	GF

Intergovernmental Cooperation

Language:
Page 18, line 2, strike "$590,882" and insert "$496,537".

Explanation:
(This amendment realizes savings from a reduction, by 25%, of the amount budgeted for expenditures for dues paid to the National Conference of State Legislatures (NCSL) and the Southern Regional Education Board (SREB) in fiscal year 2012. This amendment assumes dues payments in fiscal year 2012 of no more than $148,468 for the NCSL and $134,568 for the SREB.)

General Government - Independent Subcommittee Item 32 #1h

Legislative Department
Legislative Department Reversion Clearing Account — Language

Language:
Page 18, line 23, strike "$500,000" and insert "$775,000".

Explanation:
(This amendment realizes an additional $275,000 general fund savings in fiscal year 2011 from the funding for the operations of the Virginia House of Delegates. This savings is in addition to the $500,000 in savings already assumed in fiscal year 2011 in Chapter 874 from the funding for the House of Delegates. These two combined actions will reduce the budget for the Clerk's office for the non-constitutionally mandated expenditures by 5 percent.)

General Government - Independent Subcommittee Item 32 #2h

Legislative Department
Legislative Department Reversion Clearing Account — Language

Language:
Page 18, line 27, strike "$1,982,366" and insert "$2,932,976".
Page 18, line 33, strike "$200,000" and insert "$673,266".
Page 18, line 34, strike "$250,000" and insert "$727,344".

Page 19, after line 5, insert:

"G. On or before June 30, 2011, the Committee on Joint Rules shall authorize the reversion to the general fund of $2,299,709 representing savings generated by the Capitol Police.

H. On or before June 30, 2011, the Committee on Joint Rules shall authorize the reversion to the general fund of $50,000 representing savings generated by the Virginia Commission on Youth.

I. On or before June 30, 2011, the Committee on Joint Rules shall authorize the reversion to the general fund of $301,710 representing savings generated from fiscal year 2010 year end balances within Items 9, 14, 20, 23, 24, 25, 26, 27, and 28."

Explanation:

(This amendment realizes $3.6 million in reversions from legislative agencies.)

General Government - Independent Subcommittee Item 39 #1h

Judicial Department	**FY 10-11**	**FY 11-12**	
Supreme Court	$0	($2,951,000)	GF

Language:

Page 21, line 12, strike "$28,083,906" and insert "$25,132,906".

Explanation:

(This amendment eliminates general fund support for 14 drug court programs in the Commonwealth. These programs were originally established by the localities mostly with federal grants. There are currently 16 other drug court programs in the Commonwealth that do not receive state general fund support, many of which have been funded by federal grants which have recently or will soon expire.)

General Government - Independent Subcommittee Item 41 #1h

Judicial Department

Circuit Courts Language

Language:

Page 23, line 43, strike "$108,451,447" and "$108,451,447" and insert: "$108,751,447" and "$108,751,447".

Explanation:

(This amendment modifies the language referencing the total funding available for the Criminal Fund to account for the amounts proposed in the introduced budget bill.)

General Government - Independent Subcommittee Item 52 #1h

Judicial Department

Judicial Department Reversion Clearing Account — Language

Language:

Page 31, after line 28, insert:

"D. On or before June 30, 2011, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of $297,171 representing additional savings generated within the Indigent Defense Commission."

Explanation:

(This amendment reverts approximately 50% of the fiscal year 2010 year end balances for the Indigent Defense Commission.)

General Government - Independent Subcommittee Item 58 #1h

Executive Offices	**FY 10-11**	**FY 11-12**	
Attorney General And Department Of Law	$0	$6,110	GF

Language:

Page 33, line 30, strike "$27,074,916" and insert "$27,081,026".

Explanation:

(This amendment provides funding to expand statewide the Address Confidentiality for Victims of Domestic Violence Program. Senate Bill 764 of the 2008 General Assembly Session expanded the pilot program from one locality to 18 localities and included enactment clauses requiring an evaluation of the pilot program to be submitted to the Chairmen of the House and Senate General Laws Committees by December 31, 2010, and making the continuation of the program on a statewide basis contingent on an appropriation to fund the program being included in

the 2011 Appropriation Act.)

General Government - Independent Subcommittee Item 67.90 #1h

Administration

Compensation Board Language

Language:

Page 55, strike lines 23 through 33, and insert:

"L. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 67.20, 67.50, 67.60, 67.70 and 67.80 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph E of this item, any positions in the constitutional offices of the former city or former county which are available for reallocation as a result of the transition or consolidation shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated or to the consolidated city, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county or the consolidated city, as provided in § 15.2-1302, Code of Virginia."

Explanation:

(This amendment provides that when Alleghany County and the City of Covington are dissolved and the Constitutional officer positions reallocated by the Compensation Board, this reallocation will not be based on the agency's priority ranking but be reallocated to the consolidated city as they usually are when a city transitions to town status. Without this language, certain positions needed by the clerk of circuit court for the City of Alleghany Highlands might be given to another locality based on the priority of need calculation. The amendment does not require any additional funding, but ensures positions assigned to the Alleghany-Covington area remain in that area following their consolidation.)

General Government - Independent Subcommittee Item 248 #1h

Finance

Department Of Accounts — Language

Language:

Page 203, strike lines 23 through 30 and insert:

"D. Notwithstanding the provisions of §§ 17.1-286 and 58.1-3176, Code of Virginia, the Controller shall not make payments to the Circuit Court clerks on amounts directly deposited into the State Treasury by General District Courts, Juvenile and Domestic Relations General District Courts, Combined District Courts, and the Magistrates System. The State Controller shall continue to make payments, in accordance with §§ 17.1-286 and 58.1-3176, Code of Virginia, to the respective clerks on those amounts directly deposited into the state treasury by the Circuit Courts."

Explanation:

(This amendment is intended to clarify the intent of the 2010 General Assembly to discontinue the policy of paying circuit court clerks commissions on revenues collected by the general district courts but continue this policy for revenues collected through the circuit court. An adjustment has been made to the revenue assumptions to reflect a decrease in state revenues of $2.8 million from the continued payment of these commissions to the circuit court clerks.)

General Government - Independent Subcommittee — Item 260 #1h

Finance	**FY 10-11**	**FY 11-12**	
Department Of Planning And Budget	$0	($190,665)	GF

Language:

Page 211, line 17, strike "$6,869,909" and insert "$6,679,244".
Page 212, line 41, strike "2007" and insert "2010".
Page 212, line 41, strike "25" and insert "50".
Page 212, line 45, strike "25" and insert "50".
Page 212, line 46, strike "25" and insert "50".

Explanation:

(This amendment increases the percentage of cost paid by the localities for school efficiency reviews from 25% to 50%.)

General Government - Independent Subcommittee Item 262 #1h

Finance

Department Of Taxation Language

Language:

Page 215, after line 17, insert:

"M. The Virginia Department of Taxation shall accept a fillable form through the Virginia Free File Program to allow residents of the Commonwealth of Virginia to submit their state income tax returns to the Department of Taxation. The fillable form program shall be available before, but no later than, December 31, 2011. The Virginia Department of Taxation shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees no later than September 1, 2011, on the status of implementing the fillable form program."

Explanation:

(This amendment includes language requiring the Department of Taxation to accept tax returns submitted via the Virginia Free File Program.)

General Government - Independent Subcommittee Item 469 #2h

Central Appropriations	**FY 10-11**	**FY 11-12**	
Central Appropriations	$0	$11,016,586	GF

Language:

Page 402, line 7, strike "($27,327,805)" and insert "($16,311,219)".

Page 411, after line 9, insert:

"V. Included in this appropriation is $11,061,586 the second year from the general fund for the state share required to provide all locally elected constitutional officers and their full-time employees a one-time bonus equal to two percent of their base pay on December 1, 2011."

Explanation:

(This amendment provides funding for a 2% salary bonus for employees in the constitutional offices on December 1, 2011.)

General Government - Independent Subcommittee Item 3-1.01 #1h

Transfers

Interfund Transfers Language

Language:

Page 460, strike lines 32 through 33.
Page 460, line 34, strike "VV." and insert "UU."
Page 460, line 38, strike "WW." and insert "VV."
Page 460, line 41, strike "XX." and insert "WW."

Explanation:

(This amendment strikes language included in the introduced budget which authorized the transfer of $5.0 million in nongeneral fund cash balances to the general fund in fiscal year 2011. This action would reduce the total General Fund Resources available for appropriation by $5.0 million in fiscal year 2011.)