2012 SPECIAL SESSION I

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

ENROLLED

An Act to amend and reenact Chapter 890 of the 2011 Acts of Assembly, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

[H 1300]

Approved

Be it enacted by the General Assembly of Virginia:

1. That Items 1, 30, 41, 42, 43, 44, 60, 67.20, 67.30, 73, 96, 98, 100, 111, 119, 120, 131, 132, 136, 203, 234, 245, 249, 250, 250.10, 255, 256, 258, 262, 271, 274, 283, 284, 295, 296, 297, 299, 300, 303, 320, 326, 327, 329, 330, 331, 338, 355, 369, 379, 380, 398, 400, 401, 430, 436, 448, 450, 451, 452, 453, 454, 455, 456, 457, 469, 470, 473, 483, § 2-0, § 3-1.01, § 3-2.03, § 3-3.02, § 3-3.03, § 3-5.01, § 3-5.04, § 3-5.08, C-5.10, C-37.10, and C-73.10 of Chapter 890 of the Acts of Assembly of 2011 be hereby amended and reenacted and that the cited chapter be further amended by adding Items C-1.50, C-20.50, C-42.20, C-73.30, and C-76.20, and that the cited chapter be further amended by striking therefrom Item 473.20.

2. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	**Second Year**	**Total**
Unreserved Balance, June 30, 2010	~~$491,244,000~~ *$1,066,982,453*	$0	~~$491,244,000~~ *$1,066,982,453*
Additions to Balance	$90,031,868	~~$229,405,544~~ *($39,122,880)*	~~$319,437,412~~ *$50,908,988*
Official Revenue Estimates	$14,718,486,729	~~$15,595,636,810~~ *$15,723,586,847*	~~$30,314,123,539~~ *$30,442,073,576*
Transfers	$423,136,445	~~$468,575,442~~ *$502,205,393*	~~$891,711,887~~ *$925,341,838*
Total General Fund Resources Available for Appropriation	~~$15,722,899,042~~ *$16,298,637,495*	~~$16,293,617,796~~ *$16,186,669,360*	~~$32,016,516,838~~ *$32,485,306,855*

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	**Second Year**	**Total**
Balance, June 30, 2011	$3,893,497,975	$0	$3,893,497,975
Official Revenue Estimates	$23,303,648,405	~~$23,257,484,874~~ *$23,572,522,220*	~~$46,561,133,279~~ *$46,876,170,625*
Lottery Proceeds Fund	$435,200,000	~~$435,875,000~~ *$473,100,000*	~~$871,075,000~~ *$908,300,000*
Bond Proceeds		~~$1,339,406,764~~	~~$1,899,518,775~~

	$560,112,011	*$1,354,406,764*	*$1,914,518,775*
Total Nongeneral Fund Revenues Available for Appropriation	$28,192,458,391	~~$25,032,766,638~~ *$25,400,028,984*	~~$53,225,225,029~~ *$53,592,487,375*
TOTAL PROJECTED REVENUES	~~$43,915,357,433~~ *$44,491,095,886*	~~$41,326,384,434~~ *$41,586,698,344*	~~$85,241,741,867~~ *$86,077,794,230*

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand ten, through the thirtieth day of June two thousand twelve, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand eight, through the thirtieth day of June two thousand ten, inclusive.

C. "Next biennium" means the period from the first day of July two thousand twelve, through the thirtieth day of June two thousand fourteen, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

BIENNIUM 2010-12

	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	~~$32,005,485,706~~ *$31,799,659,030*	~~$46,544,251,967~~ *$47,534,143,893*	~~$78,549,737,673~~ *$79,333,802,923*
LEGISLATIVE DEPARTMENT	$138,099,941	$7,217,268	$145,317,209
JUDICIAL DEPARTMENT	~~$812,673,790~~ *$814,398,790*	$65,057,823	~~$877,731,613~~ *$879,456,613*
EXECUTIVE DEPARTMENT	~~$31,054,711,975~~ *$30,847,160,299*	~~$45,429,394,170~~ *$46,419,286,096*	~~$76,484,106,145~~ *$77,266,446,395*
INDEPENDENT AGENCIES	$0	$1,042,582,706	$1,042,582,706
STATE GRANTS TO NONSTATE AGENCIES	$0	$0	$0

CAPITAL OUTLAY			
EXPENSES	$8,877,000	~~$2,224,297,218~~	~~$2,233,174,218~~
		$2,258,617,018	*$2,267,494,018*
TOTAL	~~$32,014,362,706~~	~~$48,768,549,185~~	~~$80,782,911,891~~
	$31,808,536,030	*$49,792,760,911*	*$81,601,296,941*

§ 8. This chapter shall be known and may be cited as the "2012 Amendments to the 2011 Appropriation Act."

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PART 1: OPERATING EXPENSES				
LEGISLATIVE DEPARTMENT				
§ 1-1. GENERAL ASSEMBLY OF VIRGINIA (101)				
1. Enactment of Laws (78200)				
a sum sufficient, estimated at			$33,802,907	$33,897,607
Legislative Sessions (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.

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

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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 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 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.

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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 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 paid in an amount not to exceed the maximum daily amount permitted by the Internal Revenue Service under rates established

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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 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

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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 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 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.

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	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.				
	Total for General Assembly of Virginia.....			**$33,802,907**	**$33,897,607**
	General Fund Positions.....	221.00	221.00		
	Position Level	221.00	221.00		
	Fund Sources: General.....	$33,802,907	$33,897,607		
2.	Not set out.				
3.	Not set out.				
4.	Not set out.				
5.	Not set out.				
6.	Not set out.				
7.	Not set out.				
8.	Not set out.				
9.	Not set out.				
10.	Not set out.				
11.	Not set out.				
12.	Not set out.				
13.	Not set out.				
14.	Not set out.				
15.	Not set out.				
16.	Not set out.				
17.	Not set out.				
18.	Not set out.				
19.	Not set out.				
20.	Not set out.				
21.	Not set out.				
22.	Not set out.				
23.	Not set out.				
24.	Not set out.				
25.	Not set out.				
26.	Not set out.				

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27.	Not set out.				
28.	Not set out.				
29.	Not set out.				
29.10.	Not set out.				
29.20.	Not set out.				
	§ 1-2. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)				
30.	Legislative Evaluation and Review (78300).....			$3,378,956	$3,378,956
	Performance Audits and Evaluation (78303).....	$3,378,956	$3,378,956		
	Fund Sources: General.....	$3,264,040	$3,264,040		
	Trust and Agency.....	$114,916	$114,916		

Authority: Title 30, Chapters 7 and 8, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Joint Legislative Audit and Review Commission (JLARC), $160,919 from July 1, 2010 to August 31, 2010, $145,729 from September 1, 2010 to June 24, 2011 and $153,015 from June 25, 2011 to June 30, 2012.

B. JLARC, upon request of the Department of Planning and Budget and approval of the Chairman, shall review and provide comments to the department on its use of performance measures in the state budget process. JLARC staff shall review the methodology and proposed uses of such performance measures and provide periodic status reports to the Commission.

C. Expenses associated with the oversight responsibility of the Virginia Retirement System by JLARC and the House Appropriations and Senate Finance Committees shall be reimbursed by the Virginia Retirement System upon documentation by the Director, JLARC of the expenses incurred.

D. Out of this appropriation, funds are provided to continue the technical support staff of JLARC, in order to assist with legislative fiscal impact analysis when an impact statement is referred from the Chairman of a standing committee of the House or Senate, and to conduct oversight of the expenditure forecasting process. Pursuant to existing statutory authority, all agencies of the Commonwealth shall provide access to information necessary to accomplish these duties.

E.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of State agencies.

3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of VITA.

4. Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets

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Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private entity shall make a written request to VITA:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision. Once a written determination is made by VITA, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of VITA or JLARC.

Except as specifically provided in this item, nothing in this item shall be construed to authorize the withholding of (a) procurement records as required by § 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of the private entity under the comprehensive infrastructure agreement, or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure.

5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for VITA review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.

F. The Joint Legislative Audit and Review Commission (JLARC) shall evaluate and report on the performance of the Tobacco Indemnification and Community Revitalization Commission (TICR). The report shall include, but not be limited to, a review of the effectiveness of the economic revitalization grants of the TICR, an evaluation of the TICR economic revitalization strategy, and recommendations as to the TICR§s outcome metrics and accountability measures. JLARC shall submit a final report by June 30, 2011.

G.1 JLARC is hereby directed to study the impact ~~on local revenue streams~~ of restructuring the local Business, Professional, and Occupational License ("BPOL") Tax such that the basis of the tax is changed from gross receipts to net income. All local tax officials are hereby directed to provide any assistance required by JLARC in the course of the study. *If requested by JLARC,*~~Notwithstanding the requirements of § 58.1-3700 et seq. of the Code of Virginia,~~ all local tax officials are authorized to require ~~any~~ business*es subject to the BPOL tax in their locality* ~~required to obtain a business license from the locality in calendar year 2011,~~ to calculate *and report back to the localitiy their*~~ its~~ net income *for the timeframe requested, notwithstanding the requirements of § 58.1-3700 et seq. of the Code of Virginia.*~~and the resulting license tax for the base year used to calculate its license tax in calendar year 2011 based on net income and shall report such tax base and tax due to the locality on or before October 1, 2012. This shall be in addition to the requirement that such business shall file and report any tax due on its license application or BPOL return for the year, as required pursuant to § 58.1-3700 et seq. of the Code of Virginia. Each locality shall consolidate the data reported by each taxpayer in the locality in a format determined by JLARC and transmit such data to JLARC by April 1, 2013.~~

2. JLARC shall complete its study and submit a final report by November 1, 2013.

3. The Department of Taxation shall cooperate as requested by JLARC in the performance of

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its duties under this authority. *All agencies of the Commonwealth shall provide assistance for this study, upon request.*				
H.1. The Joint Legislative Audit and Review Commission (JLARC) shall undertake a comprehensive review of the civil commitment of sexually violent predators at the Virginia Center for Behavioral Rehabilitation (VCBR) and the conditional release program administered by the Department of Behavioral Health and Developmental Services.				
2. The review shall examine current law and commitment practices related to the treatment of sexually violent predators currently committed to the VCBR, including convictions and time served for predicate crimes; the screening and assessment process for identifying those individuals who could be eligible for civil commitment as sexually violent predators, including the use of the current risk assessment instrument; the commitment review process; and the impact of these factors on the projected numbers of individuals likely to be civilly committed.				
3. In addition, the review shall examine the current policies and practices of other states' programs for the involuntary civil commitment of sexually violent predators and conditional release programs and determine how those policies and practices compare to the current program operated in Virginia. The review shall also examine the costs of providing for the civil commitment of sexually violent predators at VCBR, including an analysis of security and treatment staff ratios, and the provision of other services. The review shall also include any cost-effective, best practices identified in other state civil commitment programs.				
4. The Department of Behavioral Health and Developmental Services, the Department of Corrections, the Virginia Criminal Sentencing Commission, the Virginia Crime Commission and the Office of the Attorney General shall provide, upon request, technical assistance as needed to JLARC during this review.				
5. For the purpose of completing this review, JLARC staff are authorized to possess, copy, and use all records, including records under seal, from all state and local courts, clerks, departments, agencies, boards, and commissions, including but not limited to: the Department of Corrections, the Department of Behavioral Health and Developmental Services, the Office of the Attorney General, offices of attorneys for the Commonwealth, Virginia State Police, local police and sheriffs' departments, the Department of Juvenile Justice, court services units, community services boards, state and local departments of social services, and probation and parole districts. Upon request, the records, documents, notes, recordings or other information of any kind shall be provided to JLARC staff within 20 days of receiving such request.				
6. The Commission shall provide a final report to the Governor and the General Assembly no later than November 30, 2011.				
Total for Joint Legislative Audit and Review Commission			**$3,378,956**	**$3,378,956**
General Fund Positions	36.00	36.00		
Nongeneral Fund Positions	1.00	1.00		
Position Level	37.00	37.00		
Fund Sources: General	$3,264,040	$3,264,040		
Trust and Agency	$114,916	$114,916		
31. Not set out.				
32. Not set out.				
33. Not set out.				
TOTAL FOR LEGISLATIVE DEPARTMENT			**$72,621,092**	**$72,696,117**
General Fund Positions	579.50	579.50		
Nongeneral Fund Positions	29.50	29.50		
Position Level	609.00	609.00		

ITEM 33.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
1	Fund Sources: General	$69,012,458	$69,087,483		
2	Special	$3,236,284	$3,236,284		
3	Trust and Agency	$114,916	$114,916		
4	Federal Trust	$257,434	$257,434		

ITEM 34.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012

JUDICIAL DEPARTMENT

§ 1-3. SUPREME COURT (111)

34. Not set out.

35. Not set out.

36. Not set out.

37. Not set out.

38. Not set out.

39. Not set out.

40. Not set out.

Circuit Courts (113)

41. Pre-Trial, Trial, and Appellate Processes (32100).....			$101,270,698	~~$101,270,698~~ *$102,023,358*
Trial Processes (32103)	$42,145,284	$42,145,284		
Other Court Costs and Allowances (Criminal Fund) (32104)	$59,125,414	~~$59,125,414~~ *$59,878,074*		
Fund Sources: General.....	$101,265,698	~~$101,265,698~~ *$102,018,358*		
Special.....	$5,000	$5,000		

Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at $158,134 from July 1, 2010, to November 24, 2010, $158,134 from November 25, 2010, to November 24, 2011, and $158,134 from November 25, 2011, to June 30, 2012. Such salaries shall represent the total compensation from all sources for Circuit Court judges.

2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding $1,500 a year for each judge.

3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.

4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.

C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2010, in the appropriation made in Item 40, Chapter 781, Acts of Assembly of 2009, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2011.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall

ITEM 41.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012

be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total $108,751,447 the first year and ~~$108,751,447~~ *$110,401,447* the second year in this Item and Items 34, 40, 42, 43 and 44.

2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.

3. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed $880,000 the first year and not to exceed $880,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers§ Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.

F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise shall be delayed at the request of the local governing body in which the court is located until June 30, 2012. The provisions of this Item shall not apply to facilities that were subject to litigation on or before November 30, 2008.

G.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation§ supervision that the defendant has allegedly violated.

2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003.§ The court shall review and consider the suitability of the discretionary probation violation guidelines.§ Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection.§ In hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.

3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.

4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.

5. The provisions specified in F.1. through F.4. shall apply only to hearings conducted pursuant to § 19.2-306 that are held on or after July 1, 2010.

ITEM 41.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
	Total for Circuit Courts			**$101,270,698**	**~~$101,270,698~~** ***$102,023,358***
	General Fund Positions	164.00	164.00		
	Position Level	164.00	164.00		
	Fund Sources: General	$101,265,698	~~$101,265,698~~ *$102,018,358*		
	Special	$5,000	$5,000		
	General District Courts (114)				
42.	Pre-Trial, Trial, and Appellate Processes (32100)			$93,766,638	~~$93,766,638~~ *$94,114,187*
	Trial Processes (32103)	$76,503,740	$76,503,740		
	Other Court Costs and Allowances (Criminal Fund) (32104)	$12,579,826	~~$12,579,826~~ *$12,864,147*		
	Involuntary Mental Commitments (32105)	$4,683,072	~~$4,683,072~~ *$4,746,300*		
	Fund Sources: General	$93,766,638	~~$93,766,638~~ *$94,114,187*		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.1-67.1 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, $142,329 from July 1, 2010, to November 24, 2010, $142,329 from November 25, 2010, to November 24, 2011, and $142,329 from November 25, 2011, to June 30, 2012. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2010, in the appropriation made in Item 41, Chapter 781, Acts of Assembly of 2009, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2011.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D.1. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

2. The Committee on District Courts, in consultation with the Virginia Association of Commonwealth's Attorneys and the Virginia Indigent Defense Commission, shall develop policies and procedures to reduce the number of misdemeanor charges for which the Commonwealth will seek incarceration, thereby reducing expenditures through the Criminal Fund for court-appointed counsel or for public defenders. The Executive Secretary of the Supreme Court shall provide a report by October 30, 2010, to the Governor and to the Chairmen of the Senate and House Courts of Justice Committees, and the Chairmen of the Senate Finance and House Appropriations Committees on the implementation of these policies and procedures.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed $40,000 the first year and not to exceed $40,000 the second year to the Criminal Injuries

ITEM 42.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
	Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.				
	F. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.				
	Total for General District Courts			**$93,766,638**	**~~$93,766,638~~** ***$94,114,187***
	General Fund Positions.....	1,018.10	1,018.10		
	Position Level	1,018.10	1,018.10		
	Fund Sources: General	$93,766,638	~~$93,766,638~~ *$94,114,187*		
	Juvenile and Domestic Relations District Courts (115)				
43.	Pre-Trial, Trial, and Appellate Processes (32100).....			$78,488,861	~~$78,488,861~~ *$78,985,856*
	Trial Processes (32103)	$51,822,723	$51,822,723		
	Other Court Costs and Allowances (Criminal Fund) (32104)	$26,358,783	~~$26,358,783~~ *$26,851,671*		
	Involuntary Mental Commitments (32105).....	$307,355	~~$307,355~~ *$311,462*		
	Fund Sources: General	$78,488,861	~~$78,488,861~~ *$78,985,856*		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.1-67.1 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, $142,329 from July 1, 2010, to November 24, 2010, $142,329 from November 25, 2010, to November 24, 2011, and $142,329 from November 25, 2011, to June 30, 2012. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2010, in the appropriation made in Item 42, Chapter 781, Acts of Assembly of 2009, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2011.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Notwithstanding any other provision of law, when a Guardian ad Litem is appointed for a child by the Commonwealth, the juvenile and domestic relations district court or the circuit court, as the case may be, shall order the parent, parents, adoptive parent or adoptive parents of the child, or another party with a legitimate interest therein who has filed a petition with the court to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the Guardian ad Litem by the court. If the court determines such party is unable to pay, the required reimbursement may be reduced or eliminated. In addition, it is the intent of the General Assembly that the Supreme Court actively administer the Guardian ad

ITEM 43.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
Litem program to ensure that payments made to Guardians ad Litem do not exceed that which is required. The Executive Secretary of the Supreme Court shall report August 1 and January 1 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on the amounts paid for Guardian ad Litem purposes, amounts reimbursed by parents and/or guardians, savings achieved, and management actions taken to further enhance savings under this program.				
F. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed $870,000 the first year and not to exceed $870,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission for the administration of the physical evidence recovery kit (PERK) program.				
Total for Juvenile and Domestic Relations District Courts			**$78,488,861**	**~~$78,488,861~~** ***$78,985,856***
General Fund Positions	594.10	594.10		
Position Level	594.10	594.10		
Fund Sources: General	$78,488,861	~~$78,488,861~~ *$78,985,856*		
Combined District Courts (116)				
44. Pre-Trial, Trial, and Appellate Processes (32100).....			$21,878,843	~~$21,878,843~~ *$22,006,639*
Trial Processes (32103)	$14,041,891	$14,041,891		
Other Court Costs and Allowances (Criminal Fund) (32104)	$6,471,524	~~$6,471,524~~ *$6,591,655*		
Involuntary Mental Commitments (32105).....	$1,365,428	~~$1,365,428~~ *$1,373,093*		
Fund Sources: General	$21,878,843	~~$21,878,843~~ *$22,006,639*		
Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137, 16.1-226 through 16.1-334, 19.2-163, and 37.1-67.1 et seq., Code of Virginia.				
A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute judges and court personnel.				
B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2010, in the appropriation made in Item 43, Chapter 781, Acts of Assembly of 2009, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2011.				
C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 42, 43, 44, and 295, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.				
D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed $95,000 the first year and not to exceed $95,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.				
Total for Combined District Courts			**$21,878,843**	**~~$21,878,843~~** ***$22,006,639***

ITEM 44.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
1	General Fund Positions	204.55	204.55		
2	Position Level	204.55	204.55		
3	Fund Sources: General	$21,878,843	~~$21,878,843~~		
4			*$22,006,639*		
5	45. Not set out.				
6	Grand Total for Supreme Court			**$373,525,553**	~~**$373,525,553**~~
7					***$375,250,553***
8	General Fund Positions	2,634.71	2,634.71		
9	Nongeneral Fund Positions	6.00	6.00		
10	Position Level	2,640.71	2,640.71		
11	Fund Sources: General	$362,799,947	~~$362,799,947~~		
12			*$364,524,947*		
13	Special	$179,375	$179,375		
14	Trust and Agency	$129,280	$129,280		
15	Dedicated Special Revenue	$9,000,000	$9,000,000		
16	Federal Trust	$1,416,951	$1,416,951		
17	46. Not set out.				
18	47. Not set out.				
19	48. Not set out.				
20	49. Not set out.				
21	50. Not set out.				
22	51. Not set out.				
23	52. Not set out.				
24	TOTAL FOR JUDICIAL DEPARTMENT			**$438,882,620**	~~**$438,848,993**~~
25					***$440,573,993***
26	General Fund Positions	3,187.71	3,187.71		
27	Nongeneral Fund Positions	103.00	103.00		
28	Position Level	3,290.71	3,290.71		
29	Fund Sources: General	$406,336,895	~~$406,336,895~~		
30			*$408,061,895*		
31	Special	$9,611,864	$9,578,237		
32	Trust and Agency	$129,280	$129,280		
33	Dedicated Special Revenue	$21,387,630	$21,387,630		
34	Federal Trust	$1,416,951	$1,416,951		

ITEM 53.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

53. Not set out.

54. Not set out.

55. Not set out.

56. Not set out.

57. Not set out.

§ 1-4. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)

58. Not set out.

59. Not set out.

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

61. Not set out.

Total for Attorney General and Department of Law			**$35,220,434**	~~**$35,465,544**~~ ***$35,815,544***
General Fund Positions.....	240.60	240.60		
Nongeneral Fund Positions.....	77.90	77.90		
Position Level	318.50	318.50		
Fund Sources: General.....	$18,902,820	$19,266,930		
Special.....	$9,325,232	~~$9,206,232~~		

ITEM 61.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
			$9,556,232		
	Federal Trust	$6,992,382	$6,992,382		
62.	Not set out.				
	Grand Total for Attorney General and Department of Law			**$37,153,318**	**~~$37,365,428~~** ***$37,715,428***
	General Fund Positions	240.60	240.60		
	Nongeneral Fund Positions	101.90	101.90		
	Position Level	342.50	342.50		
	Fund Sources: General	$18,902,820	$19,266,930		
	Special	$11,258,116	~~$11,106,116~~ *$11,456,116*		
	Federal Trust	$6,992,382	$6,992,382		
63.	Not set out.				
64.	Not set out.				
65.	Not set out.				
66.	Not set out.				
	TOTAL FOR EXECUTIVE OFFICES			**$45,713,869**	**~~$46,119,622~~** ***$46,469,622***
	General Fund Positions	307.27	307.27		
	Nongeneral Fund Positions	109.23	109.23		
	Position Level	416.50	416.50		
	Fund Sources: General	$26,139,511	$26,497,264		
	Special	$11,258,116	~~$11,256,116~~ *$11,606,116*		
	Commonwealth Transportation	$140,533	$140,533		
	Federal Trust	$8,175,709	$8,225,709		

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OFFICE OF ADMINISTRATION

67. Not set out.

67.10. Not set out.

§ 1-5. COMPENSATION BOARD (157)

67.20. Financial Assistance for Sheriffs' Offices and Regional Jails (30700)			$416,244,832	~~$407,169,052~~ *$404,850,454*
Financial Assistance for Regional Jail Operations (30710)	$126,323,937	$126,702,425		
Financial Assistance for Local Law Enforcement (30712)	$80,965,213	$76,499,313		
Financial Assistance for Local Court Services (30713)	$35,533,628	$31,354,089		
Financial Assistance to Sheriffs (30716)	$10,993,390	$10,840,965		
Financial Assistance for Local Jail Operations (30718)	$162,428,664	~~$161,772,260~~ *$159,453,662*		
Fund Sources: General	$408,244,832	~~$399,169,052~~ *$396,850,454*		
Dedicated Special Revenue	$8,000,000	$8,000,000		

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

	July 1, 2010 to June 30, 2011	July 1, 2011 to November 30, 2011	December 1, 2011 to June 30, 2012
Law Enforcement and Jail Responsibility			
Less than 10,000	$64,798	$64,798	$64,798
10,000 to 19,999	$74,480	$74,480	$74,480
20,000 to 39,999	$81,847	$81,847	$81,847
40,000 to 69,999	$88,964	$88,964	$88,964
70,000 to 99,999	$98,849	$98,849	$98,849
100,000 to 174,999	$109,833	$109,833	$109,833
175,000 to 249,999	$115,613	$115,613	$115,613
250,000 and above	$128,458	$128,458	$128,458
Law Enforcement or Jail			
Less than 10,000	$63,501	$63,501	$63,501
10,000 to 19,999	$72,989	$72,989	$72,989
20,000 to 39,999	$80,209	$80,209	$80,209

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40,000 to 69,999	$87,184	$87,184	$87,184	
70,000 to 99,999	$96,872	$96,872	$96,872	
100,000 to 174,999	$107,635	$107,635	$107,635	
175,000 to 249,999	$113,301	$113,301	$113,301	
250,000 and above	$126,531	$126,531	$126,531	
No Law Enforcement or Jail Responsibility				
Less than 10,000	$59,667	$59,667	$59,667	
10,000 to 19,999	$66,296	$66,296	$66,296	
20,000 to 39,999	$73,661	$73,661	$73,661	
40,000 to 69,999	$81,847	$81,847	$81,847	
70,000 to 99,999	$90,942	$90,942	$90,942	
100,000 to 174,999	$101,045	$101,045	$101,045	
175,000 to 249,999	$106,361	$106,361	$106,361	
250,000 and above	$119,466	$119,466	$119,466	

B. Out of the amounts provided for in this item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

E. Consistent with the provisions of paragraph B of Item 67.90, the board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding to other jails in the Commonwealth that are experiencing overcrowding.

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.

2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying

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to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.

3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.

4. Beginning on July 1, 2010, state support for the Master Deputy Program is suspended for any individual who was not participating in the program on January 1, 2010.

I. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 67.90 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.

J. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 67.20 and 67.30, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.

K.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.

2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by Sheriffs as part of their annual budget request to the Compensation Board, the board shall increase the annual salary shown in Paragraph A of this item by the percentage shown below for a twelve-month period effective the following July 1:

a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association, or,

b. For sheriffs that have not achieved one of the above accreditations:

1. 3.1 percent for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program; and

2. 3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and

3. 3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and provide primary law enforcement services in the county.

4. State support for the Sheriffs' Career Development Program is suspended for any individual who was not participating in the program on January 1, 2010.

L. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia,

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$8,000,000 the first year and $8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.

M. Included in the appropriation for this item is $1,811,259 the first year and ~~$2,683,223~~ *$1,744,981* the second year from the general fund to support costs associated with staffing the Rappahannock Regional Jail Unit D, the Pittsylvania County Jail expansion, the replacement facility for the Patrick County Jail and the Blue Ridge Regional Jail expansion.

N. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.

O. Included in this appropriation is $1,004,500 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide for SAVIN program coordination, and to maintain the interface between SAVIN and the Virginia Sex Offender Registry.

P. After satisfying the provisions of Item 96.J.5. of this act, there is hereby appropriated in the second year an amount not to exceed $7,373,722 from that portion of the general fund balance designated by the State Comptroller on June 30, 2011, for nonrecurring expenditures pursuant to §2.2-1514B., Code of Virginia.

67.30. Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600)			$53,744,949	~~$49,888,871~~ *$54,484,638*
Financial Assistance for Local Jail Per Diem (35601)	$33,272,258	~~$32,289,590~~ *$34,679,389*		
Financial Assistance for Regional Jail Per Diem (35604)	$20,472,691	~~$17,599,281~~ *$19,805,249*		
Fund Sources: General	$53,744,949	~~$49,888,871~~ *$54,484,638*		

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2011, and June 1, 2012, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this item, the following definitions shall be applicable:

1. Effective sentence—a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.

2. Local responsible inmate—(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.

3. State responsible inmate—any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security

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requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed $377,010 the first year and $377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates—$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be $18 per inmate day.

2. For state responsible inmates—$12 per inmate day.

F. For the payment specified in paragraph E1 of this item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.

2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of $22 per day for local responsible inmates and $28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

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2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H1.

4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

6. The Compensation Board shall apply the cost recovery methodology set out in paragraph H1 of this item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia Department of Corrections.

7. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between items 67.20 and 67.30, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.

J. Projected growth in per diem payments for the support of prisoners in local and regional jails shall be based on actual inmate population counts up through the first quarter of the affected fiscal year.

K. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services , and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.

67.40. Not set out.

67.50. Not set out.

67.60. Not set out.

67.70. Not set out.

67.80. Not set out.

67.90. Not set out.

67.95. Not set out.

ITEM 67.95.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
Total for Compensation Board			**$624,788,226**	**~~$611,247,441~~** ***$613,524,610***
General Fund Positions	20.00	20.00		
Nongeneral Fund Positions	1.00	1.00		
Position Level	21.00	21.00		
Fund Sources: General	$606,033,466	~~$595,247,441~~ *$597,524,610*		
Trust and Agency	$10,754,760	$8,000,000		
Dedicated Special Revenue	$8,000,000	$8,000,000		

§ 1-6. DEPARTMENT OF GENERAL SERVICES (194)

68. Not set out.

69. Not set out.

70. Not set out.

71. Not set out.

72. Not set out.

73. Transportation Pool Services (82300)			a sum sufficient	
Statewide Vehicle Management Services (82302)	a sum sufficient			
Fund Sources: Internal Service	a sum sufficient			

Authority: Title 2.2, Chapter 11, Article 7; § 2.2-120, Code of Virginia.

A. Included in statewide vehicle management services is an internal service fund derived from charges to agencies for those services. The estimated cost for this internal service fund is $16,500,000 the first year and $18,750,000 the second year.

B. In addition to providing services to state agencies and institutions, fleet management services may also be provided to local public bodies on a fee for service basis in accordance with established Department of General Services Fleet Management policies and procedures.

C. The Department of General Services shall advance the consolidation of bulk and commercial fuel purchases into a single procurement action as recommended in the Vehicle Fleet Operational Review conducted in 2007. The intent of this consolidation will be to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume into a single procurement action to achieve the most favored pricing from private sector fuel providers.

D. The Commonwealth of Virginia, Department of General Services may enter into a comprehensive agreement, or multiple comprehensive agreements, pursuant to the Public-Private Education Facilities and Infrastructure Act - 2002 (§ 56-575.1 et seq.), to achieve the purposes of § 2.2-1176(B) and result in the replacement of state-owned or operated vehicles with vehicles that operate on alternative fuels. Any agreement entered into must be cost neutral or result in a reduction in the Commonwealth's combined vehicle acquisition and operational costs, and result in lower environmental emissions. The agreements shall not be subject to the requirements found in Title 30, Chapter 42, Code of Virginia (§ 30-278 et. seq.). The Director, Department of General Services, in consultation with the Governor's Senior Advisor on Energy and the Secretary of Finance, shall determine whether the agreement is cost neutral or results in cost savings to the Commonwealth.

74. Not set out.

Total for Department of General Services			**$59,147,636**	**$59,262,636**

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1	General Fund Positions	242.00	242.00		
2	Nongeneral Fund Positions	414.50	414.50		
3	Position Level	656.50	656.50		
4	Fund Sources: General	$18,565,175	$18,592,649		
5	Special	$6,176,878	$6,264,404		
6	Enterprise	$25,283,970	$25,283,970		
7	Federal Trust	$9,121,613	$9,121,613		
8	75. Not set out.				
9	76. Not set out.				
10	77. Not set out.				
11	78. Not set out.				
12	79. Not set out.				
13	80. Not set out.				
14	TOTAL FOR OFFICE OF ADMINISTRATION			**$939,360,149**	**~~$923,979,210~~**
15					***$926,256,379***
16	General Fund Positions	375.50	375.50		
17	Nongeneral Fund Positions	487.00	487.00		
18	Position Level	862.50	862.50		
19	Fund Sources: General	$640,756,918	~~$628,463,213~~		
20			*$630,740,382*		
21	Special	$12,405,998	$12,698,524		
22	Commonwealth Transportation	$1,506,868	$1,506,868		
23	Enterprise	$250,283,970	$250,283,970		
24	Trust and Agency	$17,258,582	$13,878,822		
25	Dedicated Special Revenue	$8,000,000	$8,000,000		
26	Federal Trust	$9,147,813	$9,147,813		

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OFFICE OF AGRICULTURE AND FORESTRY				
81. Not set out.				
82. Not set out.				
83. Not set out.				
84. Not set out.				
85. Not set out.				
86. Not set out.				
87. Not set out.				
88. Not set out.				
89. Not set out.				
90. Not set out.				
91. Not set out.				
92. Not set out.				
93. Not set out.				
94. Not set out.				
TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY			**$84,135,182**	**$86,178,505**
General Fund Positions	492.48	492.48		
Nongeneral Fund Positions	301.52	304.52		
Position Level	794.00	797.00		
Fund Sources: General	$41,019,978	$43,388,942		
Special	$14,422,439	$13,882,439		
Trust and Agency	$5,868,068	$5,868,068		
Dedicated Special Revenue	$9,881,917	$9,881,917		
Federal Trust	$12,942,780	$13,157,139		

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OFFICE OF COMMERCE AND TRADE

§ 1-7. SECRETARY OF COMMERCE AND TRADE (192)

95. Not set out.

Economic Development Incentive Payments (312)

96. Economic Development Services (53400)			$50,470,436	~~$54,150,384~~ *$46,470,384*
Financial Assistance for Economic Development (53410)	$50,470,436	~~$54,150,384~~ *$46,470,384*		
Fund Sources: General	$49,995,436	~~$53,775,384~~ *$46,095,384*		
Dedicated Special Revenue	$475,000	$375,000		

Authority: Discretionary Inclusion.

B.1. Out of the amounts in this Item, $23,911,055 the first year and $11,811,055 the second year from the general fund shall be deposited to the Governor's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Governor's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Governor's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Governor's Development Opportunity Fund.

6. Up to $5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Governor's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.

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7. Any funds appropriated in Item 105, paragraph B. 6, Chapter 781, Acts of Assembly of 2009, to offset training expenses for a major automotive employer operating a diesel assembly and test facility in the City of Newport News, contingent upon such employer having entered into a performance agreement with the Virginia Economic Development Partnership describing the employer's commitments regarding job creation and retention, remaining on June 30, 2010, shall be carried forward and available for expenditure. The funds shall be administered in a manner similar to existing training grant programs permitted under § 2.2-902, Code of Virginia. The major automotive employer shall certify to the Secretary of Commerce and Trade that it has retained at least 500 jobs in the Commonwealth and has taken actions to increase employment by at least 250 new full-time jobs in the Commonwealth.

C. Out of the appropriation for this Item, $1,600,000 the first year and $5,400,000 the second year from the general fund shall be deposited to the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Fund to be used to pay semiconductor memory or logic wafer manufacturing performance grants in accordance with § 59.1-284.14.1, Code of Virginia.

D.1. Out of the appropriation for this Item, $1,795,381 the first year and ~~$2,547,329~~ *$2,367,329* the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

E.1. Out of the appropriation for this Item, $5,000,000 the second year from the general fund shall be deposited to the Major Eligible Employer Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with §2.2-5102, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

F. Out of the appropriation for this Item $1,000,000 in the first year and $3,000,000 in the second year from the general fund and an amount estimated at $475,000 the first year and $375,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.

G. Out of the appropriation for this Item, $1,000,000 the first year and $1,000,000 the second year from the general fund shall be used to pay grants in accordance with §2.2-2240.1, Code of Virginia. It is the intent of the General Assembly to fulfill the commitment made to provide incentive payments for the location of a research related entity in accordance with the time frames set out in § 2.2-2240.1 D, Code of Virginia.

H. Out of the appropriation for this Item, $9,769,000 the first year and ~~$10,517,000~~*$7,517,000* the second year from the general fund shall be used in support of the location of an aerospace engine facility in Prince George County. In accordance with a memorandum of understanding between the Commonwealth and the aerospace engine manufacturer, the funds may be used for chaired professorships, research, laboratory renovations, community college programs, graduate student and internship endowments, workforce training, project management, and training grants in accordance with §59.1-284.22, Code of Virginia. The Director, Department of Planning and Budget shall transfer these funds to the impacted state agencies and institutions upon request filed with the Director, Department of Planning and Budget by the respective state agency or institution.

J.1. Out of the appropriation for this Item, $7,500,000 in the first year from the general fund is included to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC) which were subsequently agreed to by the President and the United States' Congress. Grants allocated from this appropriation shall be aimed at fostering collaborative efforts among

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state agencies, local governments and regional entities to address quantifiable costs or impacts resulting from specific actions to implement the recommendations of the BRAC or to protect the Commonwealth's strategic, homeland security, and economic interests in response to such implementation and similar actions. Individual grants may be for either operating or capital expenses but shall be matched by either cash or in-kind contributions. Moreover, no grant shall be used to supplant funding currently provided by other levels of government or by private sources.

2. Notwithstanding 1.B of Chapter 266 of the 2006 Acts of Assembly, any locality in which a United States Navy Master Jet Base is located may use state funds appropriated in paragraph J.1. of this Item and local funds set aside for this purpose and administered by the Virginia National Defense Industrial Authority to mitigate adverse affects on any military operations caused by the encroachment of incompatible land uses.

3. The Governor shall approve all grants from this appropriation based on a written evaluation of the proposals received. The evaluation shall be prepared by staff from the Office of ~~Commonwealth Preparedness~~*the Secretary of Veterans Affairs and Homeland Security*, the Office of the Secretary of Commerce and Trade, the Office of the Secretary of Finance, and the Virginia National Defense Industrial Authority, and among other factors, shall consider the significance of the impact being addressed, the likelihood that the proposal will achieve its intended objective, and the amount and type of commitment to match state funds. In allocating state funds, priority shall be given first to any locality in which a United States Navy Master Jet Base is located, and then to proposals which have regional impact. The Governor shall notify the chairmen of the House Appropriations Committee and the Senate Finance Committee of the recipient and the purpose of each approved grant at least 15 days prior to the actual distribution of funds.

4. All proceeds from the lease, disposal or conveyance of any property acquired through the use of this appropriation, or any prior appropriation for this purpose, shall only be used for additional property acquisition pursuant to Chapter 266 of the 2006 Acts of Assembly.

5. There is hereby appropriated in the second year an amount not to exceed $7,500,000 from that portion of the general fund balance designated by the State Comptroller on June 30, 2011, for nonrecurring expenditures pursuant to §2.2-1514B., Code of Virginia, to address the Commonwealth's commitment in response to the recommendations of the 2005 Base Realignment and Closure Commission to assist any locality in which a United States Navy Master Jet Base is located to mitigate the adverse affects on any military operation caused by the encroachment of incompatible land uses. These funds shall be used only to mitigate adverse impacts in Accident Potential Zone 1 and Clear Zone areas. On or before November 1, 2011, the locality shall report to the Chairmen of House Appropriations, Senate Finance Committees, and the Governor on the specific properties purchased and the balance of monies remaining.

K. Authorized in this item is the use of $5,000,000 the first year from nongeneral fund sources for the site planning fund created pursuant to § 2.2-2240.2, Code of Virginia, to assist political subdivisions in the performance of site and site development work for prospective Major Employment and Investment (MEI) Projects, as defined in § 2.2-2260, Code of Virginia. Grants allocated from this appropriation shall be approved by the Governor and made in accordance with procedures and guidelines established by the Virginia Economic Development Partnership. The guidelines and procedures shall give consideration in order to (i) ensure geographical representation of awards, (ii) limit the amount of annual recipients, (iii) identify strategic targets and select sites that are compatible with the strategic targets, and (iv) promote regional revenue sharing.

L. Out of the appropriation for this Item, up to $3,420,000 the first year from the general fund shall be paid for a grant for the reimbursement of sales and use taxes paid by an eligible entity for purchase of certain computer equipment and enabling hardware pursuant to the second enactment clause of Senate Bill 130/House Bill 302, 2010 Session of the General Assembly.

~~M. Out of the appropriation for this Item, up to $4,500,000 the second year from the general fund shall be transferred to the Department of Mines, Minerals and Energy for deposit to the Biofuels Production Fund. These funds are to be used to provide a grant in support of the location and construction of a non-advanced neat biofuel production facility in the City of Hopewell. In the event grant obligations are due in the first year, the Director, Department of Planning and Budget is hereby authorized to transfer funding from the second year to the first~~

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~~year to make necessary payments. The grant shall be in an amount equal to $0.10 for each gallon of neat biofuels sold by the producer in the calendar year. Such producer shall be eligible for a grant from the Biofuels Production Fund established under § 45.1-393, Code of Virginia, only for each gallon of neat biofuels that it produces in the Commonwealth on or after January 1, 2008, which gallon has also been sold by the producer to customers.~~				
N. Out of the appropriation for this Item, $10,000,000 the second year from the general fund, which shall be utilized for the purposes set forth in House Bill 2324 and Senate Bill 1485, as adopted by the 2011 General Assembly as follows: $4,000,000 shall be deposited into the Center for Innovative Technology's GAP Funds and $6,000,000 shall be deposited into the Commonwealth Research Commercialization Fund created pursuant to § 2.2-2233.1, Code of Virginia. Of the amounts provided for the Commonwealth Research Commercialization Fund, $2,000,000 shall be used for a Small Business Innovation Research Matching Fund Program for Virginia-based technology businesses.				
Total for Economic Development Incentive Payments.....			**$50,470,436**	**~~$54,150,384~~** ***$46,470,384***
Fund Sources: General.....	$49,995,436	~~$53,775,384~~ *$46,095,384*		
Dedicated Special Revenue.....	$475,000	$375,000		
Grand Total for Secretary of Commerce and Trade.....			**$51,095,242**	**~~$54,775,190~~** ***$47,095,190***
General Fund Positions.....	7.00	7.00		
Position Level.....	7.00	7.00		
Fund Sources: General.....	$50,620,242	~~$54,400,190~~ *$46,720,190*		
Dedicated Special Revenue.....	$475,000	$375,000		
97. Not set out.				
§ 1-8. DEPARTMENT OF BUSINESS ASSISTANCE (325)				
98. Economic Development Services (53400).....			$16,074,897	$16,644,897
Virginia Jobs Investment Program (53403).....	$11,461,287	$7,961,287		
~~Business Formation Services (53418)~~.....	$1,083,064	$1,124,965		
Business Information Services (53418)				
Administrative Services (53422).....	$809,952	$810,117		
Financial Services for Economic Development (53423)...	$2,428,194	$6,428,194		
Existing Business Services (53424).....	$292,400	$320,334		
Fund Sources: General.....	$14,800,899	$15,370,899		
Special.....	$378,648	$378,648		
Dedicated Special Revenue.....	$895,350	$895,350		
Authority: Title 2.2, Chapter 9; Chapter 22, Article 7; and Chapter 24, Article 7, Code of Virginia.				
A. 1. The appropriation for this item includes $11,461,287 the first year and $7,961,287 the second year from the general fund for the Virginia Jobs Investment Program at the Department of Business Assistance. Of this amount, $1,584,870 in the first year and $1,584,870 in the second year may be used for operating expenses. The remaining $9,876,417 in the first year and $6,376,417 in the second year shall be available for eligible businesses. It is the intent of the General Assembly that a minimum of 10 percent of the amounts provided for the Virginia Jobs Investment Program each year shall be transferred to the Small Business Jobs Grant Fund established pursuant to § 2.2-904.2, Code of Virginia, and shall only be used for the purposes of that section.				
2. Periodically, the agency shall report to the Governor and the Secretary of Commerce and Trade the expenditure of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of funds and provide additional				

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funding as needed for small businesses.

3. Any monies remaining in the Virginia Jobs Investment Program at the end of fiscal years 2011 and 2012 shall not revert to the general fund of the state treasury but shall be deposited to the Workforce Retraining Fund and be available for allocation in the ensuing fiscal years.

B.1. The appropriation for this item includes $1,000,000 the first year from the general fund for the Virginia Small Business Financing Authority's Loan Guarantee Program.

2. The appropriation for this item includes $5,000,000 the second year from the general fund for the Virginia Small Business Financing Authority's Loan Guarantee Program, the Virginia Capital Access Program, and the State Loan Participation Program. The Virginia Small Business Financing Authority is authorized to distribute this amount among these programs to best meet market needs for the respective programs.

3. The Virginia Small Business Financing Authority is authorized to withdraw revenues of up to $50,000 the first year and $50,000 the second year from the accrued interest balances of the Virginia Small Business Growth Fund in order to cover the costs of administering the Virginia Capital Access Program.

4. Also included in this appropriation is $154,196 the first year and $154,196 the second year from the general fund to support the operating expenses of the Virginia Small Business Financing Authority.

5. To meet changing financing needs of small businesses, the Executive Director of the Virginia Small Business Financing Authority, with the approval of the Director of the Department of Business Assistance, may transfer moneys between funds managed by the Authority. These include the Virginia Small Business Growth Fund (§ 2.2-2310, Code of Virginia); the Virginia Export Fund (§ 2.2-2309, Code of Virginia); and the Insurance or Guarantee Fund (§ 2.2-2290, Code of Virginia). The Executive Director of the Virginia Small Business Financing Authority shall report, by fund, the transfers made by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.

6. The Virginia Small Business Finance Authority is authorized to insure additional loans for eligible small businesses, pursuant to § 2.2-2290, Code of Virginia, up to an aggregate amount not to exceed four times the principal amount in the Insurance or Guarantee Fund, or up to an aggregate amount of $10,000,000, whichever is less. In the event that the Authority is called upon to pay on guaranties of loans of more than 10 percent of the aggregate amount of all outstanding insured loans, the Authority shall not insure any further loans and shall immediately notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. Pursuant to § 4-1.03.5 of this Act, the Director of the Department of Planning and Budget is authorized to transfer a sum sufficient to the Insurance or Guarantee Fund in the event the amount in the fund falls below the amount needed to honor any guarantee.

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.

C. The appropriation for this item includes $500,000 the first year and $500,000 the second year from the general fund to support the Business One-Stop Program at the Department of Business Assistance.

D. The appropriation for this item includes $875,464 the first year and $945,299 the second year from the general fund for the business information services operating expenses.

E. The appropriation for this item includes $682,487 the first year and $682,652 the second year from the general fund for agency administration.

F.1. Out of the amounts for Economic Development Services shall be provided $127,465 the first year and $127,465 the second year from the general fund to the Virginia-Israel Advisory Board.

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2. The Virginia-Israel Advisory Board shall report by January 15 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the Board's activities and expenditure of state funds.				
Total for Department of Business Assistance.....			**$16,074,897**	**$16,644,897**
General Fund Positions.....	35.00	35.00		
Nongeneral Fund Positions.....	7.00	7.00		
Position Level	42.00	42.00		
Fund Sources: General.....	$14,800,899	$15,370,899		
Special.....	$378,648	$378,648		
Dedicated Special Revenue.....	$895,350	$895,350		
§ 1-9. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)				
99. Not set out.				
100. Community Development Services (53300).....			$54,889,810	~~$58,627,473~~ *$60,601,753*
Community Development and Revitalization (53301).....	$4,479,598	$7,979,598		
Financial Assistance for Regional Cooperation (53303)...	$2,223,137	$2,456,006		
Financial Assistance for Community Development (53305)	$48,187,075	~~$48,191,869~~ *$50,166,149*		
Fund Sources: General.....	$11,931,336	~~$15,668,999~~ *$17,643,279*		
Special.....	$212,012	$212,012		
Dedicated Special Revenue.....	$7,000,000	$7,000,000		
Federal Trust.....	$35,746,462	$35,746,462		

Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11; and Title 59.1, Chapter 22, Code of Virginia.

A. This appropriation includes annual membership dues to the Appalachian Regional Commission, $351,930 the first year and $351,930 the second year, from the general fund. These dues are payable from the amounts for Community Development and Revitalization.

2. The department and local program administrators shall make every reasonable effort to provide participants basic financial counseling to enhance their ability to benefit from the Indoor Plumbing Program and to foster their movement to economic self-sufficiency.

C. Out of the amounts for Community Development Services shall be paid from the general fund in four equal quarterly installments each year:

1. To the Lenowisco Planning District Commission, $66,062 the first year and $75,971 the second year, which includes $38,610 the first year and $38,610 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

2. To the Cumberland Plateau Planning District Commission, $66,062 the first year and $75,971 the second year, which includes $42,390 the first year and $42,390 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.

3. To the Mount Rogers Planning District Commission, $66,062 the first year and $75,971 the second year.

4. To the New River Valley Planning District Commission, $66,062 the first year and $75,971 the second year.

5. To the Roanoke Valley-Alleghany Regional Commission, $66,062 the first year and $75,971 the second year.

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6. To the Central Shenandoah Planning District Commission, $66,062 the first year and $75,971 the second year.

7. To the Northern Shenandoah Valley Regional Commission, $66,062 the first year and $75,971 the second year.

8. To the Northern Virginia Regional Commission, $132,124 the first year and $151,943 the second year.

9. To the Rappahannock-Rapidan Regional Commission, $66,062 the first year and $75,971 the second year.

10. To the Thomas Jefferson Planning District Commission, $66,062 the first year and $75,971 the second year.

11. To the Region 2000 Local Government Council, $66,062 the first year and $75,971 the second year.

12. To the West Piedmont Planning District Commission, $66,062 the first year and $75,971 the second year.

13. To the Southside Planning District Commission, $66,062 the first year and $75,971 the second year.

14. To the Commonwealth Regional Council, $66,062 the first year and $75,971 the second year.

15. To the Richmond Regional Planning District Commission, $99,093 the first year and $113,957 the second year.

16. To the George Washington Regional Commission, $66,062 the first year and $75,971 the second year.

17. To the Northern Neck Planning District Commission, $66,062 the first year and $75,971 the second year.

18. To the Middle Peninsula Planning District Commission, $66,062 the first year and $75,971 the second year.

19. To the Crater Planning District Commission, $66,062 the first year and$75,971 the second year.

20. To the Accomack-Northampton Planning District Commission, $66,062 the first year and $75,971 the second year.

21. To the Hampton Roads Planning District Commission $132,124 the first year, and $151,943 the second year.

D. Out of the amounts provided to the department shall be provided $668,442 the first year and $968,442 the second year from the general fund for the Southeast Rural Community Assistance Project (formerly known as the Virginia Water Project) operating costs and water and wastewater grants. The department shall disburse the total payment each year in twelve equal monthly installments.

F. 1. Out of the amounts in this Item shall be provided $95,000 the first year and $95,000 the second year from the general fund for the Center for Rural Virginia. The department shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the status, needs and accomplishments of the center.

2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the effectiveness of these various programs in addressing rural economic development problems.

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G.The department shall leverage any appropriation provided for the capital costs for safe drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount Rogers planning districts with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.

J. Out of the amounts for Community Development Services shall be provided $71,250 the first year and $71,250 the second year from the general fund to support The Crooked Road: Virginia's Heritage Music Trail.

K.1. Out of the amounts in this Item shall be provided $1,926,833 in the first year and ~~$1,926,833~~*$3,901,113* in the second year from the general fund for the Commonwealth's share of the estimated operating expenses of the Fort Monroe Authority (FMA). This appropriation represents the Commonwealth's share of the authority's estimated operating expenses. These expenses may not be reimbursed by the federal government and shall be reduced by any federal funding the authority may receive for expenditures funded through the Commonwealth's contribution that ultimately qualify for federal reimbursement. Any such reimbursements shall be repaid to the general fund. Amounts for this purpose shall be paid from the general fund in no more than four quarterly installments.

2. All moneys of the FMA, from whatever source derived, shall be paid to the treasurer of the FMA. The Auditor of Public Accounts or his legally authorized representatives, shall annually examine the accounts of the books of the FMA.

3. Employees of the FMA shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

4. For the purposes of § 2.2-2708, the board of trustees of the Fort Monroe Authority created pursuant to § 15.2-7301 shall be deemed a state public body and may meet by electronic communication means in accordance with the requirements set forth in § 2.2-3708. Electronic communication shall mean the same as that term is defined in § 2.2-3701.

L. Included in this appropriation is $7,000,000 the first year and $7,000,000 the second year from the Water Quality Improvement Fund for grants to communities located outside the Chesapeake Bay watershed for: 1) the construction of mandated water quality improvement facilities at publicly owned treatment works for projects that would otherwise result in a financial hardship for the residential users of the facilities; 2) the design and construction of managed on-site community wastewater treatment systems in isolated areas that cannot be addressed through active treatment facilities; and 3) planning grants to develop regional or county wide wastewater treatment strategies in areas that have not previously completed planning and engineering studies. Priority will be given to the elimination of straight piping of household wastewater into the Commonwealth's waterways. The department shall leverage the appropriation with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.

M. Out of the amounts in this Item, $3,000,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization.

N. Out of the amounts in this Item, $500,000 the second year from the general fund shall be provided for the Virginia Main Street Program. This amount shall be in addition to other appropriations for this activity.

101. Not set out.

102. Not set out.

103. Not set out.

104. Not set out.

Total for Department of Housing and Community Development.....	**$120,456,569**	**~~$128,740,993~~** ***$130,715,273***	

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	General Fund Positions	55.90	55.90		
	Nongeneral Fund Positions	51.10	51.10		
	Position Level	107.00	107.00		
	Fund Sources: General	$38,611,729	~~$46,896,153~~ *$48,870,433*		
	Special	$3,051,890	$3,051,890		
	Dedicated Special Revenue	$7,400,000	$7,400,000		
	Federal Trust	$71,392,950	$71,392,950		
105.	Not set out.				
106.	Not set out.				
107.	Not set out.				
108.	Not set out.				
109.	Not set out.				

§ 1-10. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)

110.	Not set out.				
111.	Resource Management Research, Planning, and Coordination (50700)			$3,357,906	~~$2,486,973~~ *$2,452,011*
	Energy Conservation and Alternative Energy Supply Programs (50705)	$3,357,906	~~$2,486,973~~ *$2,452,011*		
	Fund Sources: General	$1,500,605	~~$579,949~~ *$544,987*		
	Special	$80,255	$95,978		
	Federal Trust	$1,777,046	$1,811,046		

Authority: Title 45.1, Chapter 26, Code of Virginia.

A. Out of this appropriation, $38,362 the first year and $38,362 the second year from the general fund shall be provided for dues and expenses for the Southern States Energy Board.

B. Out of this appropriation, $924,934 the first year from the general fund shall be provided for transfer to the following nonstate entities: Jefferson Science Associates, LLC, Virginia International Terminals, Middle Peninsula Planning District Commission, the Virginia Commonwealth University Real Estate Foundation, and the District 19 Community Services Board. These funds reimburse a portion of the Virginia Dominion Power rebate that was included in the state rebate directed to the general fund.

C. Out of this appropriation, ~~$74,000~~*$39,038* the second year from the general fund shall be provided for deposit to the Solar Photovoltaic Manufacturing Incentive Grant Fund, established under § 45.1-392, Code of Virginia. These funds are to be used to provide a grant in accordance with the calendar year 2010 production of a solar-panel facility located in the City of Danville. The amount of the grant is based on the watts of rated capacity of solar panels sold by the producer in the calendar year.

D. Up to $500,000 the second year from the amounts provided for the Governor's Development Opportunity Fund in Item 96 of this Act may be used by the Virginia Offshore Wind Development Authority to assist in efforts to secure the location of the proposed National Offshore Wind Technology Center in Virginia.

E. To defray the costs of implementing the Virginia Energy Management Program, the Department of Mines, Minerals and Energy is authorized to have included in state fuel oil, natural gas*, electricity* and similar energy contracts a provision for suppliers to collect from using agencies and remit to the department an administrative surcharge. The surcharge shall

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reflect the department's actual costs to administer the program. Additionally, the department is authorized, consistent with federal funding rules, to distribute energy-related federal funds as grants or as loans to other state or nonstate agencies for use in financing energy-related projects, and to recover from the recipient an administrative service charge to recover the department's costs of administering such grant or loan programs.				
112. Not set out.				
112.10. Not set out.				
Total for Department of Mines, Minerals and Energy.....			**$33,662,434**	**~~$32,680,284~~** ***$32,645,322***
General Fund Positions.....	155.62	155.62		
Nongeneral Fund Positions.....	77.38	77.38		
Position Level	233.00	233.00		
Fund Sources: General.....	$11,798,151	~~$10,766,278~~ *$10,731,316*		
Special.....	$6,689,648	$6,705,371		
Trust and Agency	$525,000	$525,000		
Dedicated Special Revenue.....	$464,700	$464,700		
Federal Trust.....	$14,184,935	$14,218,935		
113. Not set out.				
114. Not set out.				
115. Not set out.				
116. Not set out.				
117. Not set out.				
§ 1-11. VIRGINIA RACING COMMISSION (405)				
118. Not set out.				
119. Regulation of Horse Racing and Pari-Mutuel Betting (55800)			$1,910,644	$1,910,644
License and Regulate Horse Racing and Pari-Mutuel Wagering (55801)	$1,910,644	$1,910,644		
Fund Sources: Special.....	$1,910,644	$1,910,644		
Authority: Title 59.1, Chapter 29, Code of Virginia.				
A. Out of this appropriation, the members of the Virginia Racing Commission shall receive compensation and reimbursement for their reasonable expenses in the performance of their duties, as provided in § 2.2-2104, Code of Virginia.				
B. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to $255,000 the first year and $255,000 the second year shall be transferred to Virginia Polytechnic Institute and State University to support the Virginia-Maryland Regional College of Veterinary Medicine.				
C. Any revenues received during the biennium and which are due to the commission pursuant to § 59.1-364 et seq., Code of Virginia, shall be used first to fund the operating expenses of the commission as appropriated in this Item. Any change in operating expenses as herein appropriated requires the approval of the Department of Planning and Budget. Any revenues in excess of amounts required for commission operations as appropriated under the provisions of this act and amounts payable to specific entities pursuant to § 59.1-392 and appropriated in paragraphs B and D of this Item, shall revert to the general fund.				
D. Out of these amounts, the obligations set out in § 59.1-392 D. 5. and D. 6., Code of				

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Virginia, shall be fully funded.				
E. In the event revenues exceed the appropriated amounts in this Item, the Virginia Racing Commission is authorized to seek an administrative appropriation, up to $700,000, from the Director, Department of Planning and Budget, to develop programs or award grants for the promotion and marketing, sustenance and growth of the Virginia horse industry, including horse breeding. In no event, however, shall any funds be expended for that purpose that would cause the reversion to the general fund required by Paragraph C above to fall below $571,856 the first year and ~~$734,356~~ *$506,356* the second year.				
Total for Virginia Racing Commission.....			**$3,310,644**	**$3,310,644**
Nongeneral Fund Positions.....	10.00	10.00		
Position Level	10.00	10.00		
Fund Sources: Special.....	$3,310,644	$3,310,644		
§ 1-12. VIRGINIA TOURISM AUTHORITY (320)				
120. Tourist Promotion (53600)			$18,058,765	$19,658,135
Financial Assistance for Tourist Promotion (53606)	$145,000	$145,000		
Tourist Promotion Services (53607)	$17,913,765	$19,513,135		
Fund Sources: General.....	$18,058,765	$19,658,135		

Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.

A.1. The Department of Transportation shall pay to the Virginia Tourism Authority $1,100,000 each year for continued operation of the Welcome Centers. The Department of Transportation shall fund maintenance at each facility based on the agreed-upon service levels contained in the Memorandum of Agreement between the Virginia Tourism Authority and the Department of Transportation. Included in the amounts in this paragraph is $100,000 each year for maintenance of the Danville Welcome Center.

2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia Tourism Authority is authorized to collect fees paid by businesses for display space at the Welcome Centers.

B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds appropriated to it by this act to a nonstock corporation.

C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all Authority employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E. Out of the amounts for Tourist Promotion shall be provided $1,700,000 the first year and $1,700,000 the second year from the general fund to promote the Virginia tourism industries. These funds shall be used, among other purposes, to initiate strategies to expand growth tourism industries such as Virginia history tours, wine and epicurean tours and other packaged travel itineraries.

F. Out of the amounts for Tourist Promotion shall be provided $425,000 the first year and ~~$2,425,000~~*$2,675,000* the second year from the general fund for grants to regional and local tourism authorities and other tourism entities to support their efforts. Of the amounts included

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in this paragraph, up to ~~$1,000,000~~*$1,250,000* in the second year from the general fund may be used to attract and promote an international tourism event to be held in the Commonwealth.

G. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the state.

I. Out of the amounts provided for Tourist Promotion, $192,375 the first year and $192,375 the second year from the general fund shall be provided to "See Virginia First," a public-private partnership operated by the Virginia Association of Broadcasters to advertise Virginia tourism. The Virginia Association of Broadcasters shall provide a total of at least $577,125 in television and radio advertising value to promote tourism in Virginia in each fiscal year.

J. Out of the amounts for Tourist Promotion shall be provided $45,000 the first year and $45,000 the second year from the general fund for the Coalfield Regional Tourism Authority.

K. Out of the amounts for Tourist Promotion shall be provided $100,000 the first year and $100,000 the second year from the general fund for the Daniel Boone Visitor Center.

L. Out of the amounts for Tourist Promotion shall be provided $929,346 the first year and $779,346 the second year from the general fund to expand targeted tourism promotion as follows:

1. $229,346 the first year and $129,346 the second year to expand radio and television advertising to promote tourism in the Commonwealth, of which $91,738 shall be matched by the Virginia Association of Broadcasters for an in-state radio and television campaign, and $137,608 of which shall be used to purchase media in the Washington, D.C. and Baltimore, Maryland markets the first year; and $51,738 shall be matched by the Virginia Association of Broadcasters for an in-state radio and television campaign, and $77,608 of which shall be used to purchase media in the Washington, D.C. and Baltimore, Maryland markets the second year;

2. $500,000 to expand electronic marketing of Virginia tourism and conduct major media events with travel industry partners and maintain Welcome Center operations.

M. Out of the amounts provided for Tourist Promotion Services, $200,000 the first year from the general fund shall be provided to the Virginia Association of Public Television and Radio to promote Virginia Tourism. These funds shall be used by the Association to leverage additional in-kind media providing promotion value of at least $600,000 the first year.

N. The appropriation for this item includes $3,600,000 the first year and $3,584,870 the second year from the general fund to expand tourism marketing activities at the Virginia Tourism Authority, which shall be distributed as specified in the following paragraphs. These amounts shall be in addition to other appropriations for these activities as set out in paragraphs A through L of this Item.

1. $3,100,000 in the first year and $3,100,000 in the second year from the general fund shall be used to promote Virginia's tourism industries through an enhanced advertising campaign. Of these amounts, at least $1,000,000 in the first year and $1,000,000 in the second year shall be used to establish and implement a cooperative advertising program to partner with private sector tourism businesses and regional tourism entities to advertise Virginia as a tourism destination. The state dollars shall be used to incentivize private and regional tourism marketing funds on a $1.00 for $1.00 basis whereby the Virginia Tourism Corporation shall enter into agreements to undertake joint advertising purchases to promote Virginia and specific facilities with private sector and regional partners.

2. $300,000 the first year and $284,870 the second year from the general fund shall be provided to supplement appropriations for "See Virginia First," a public-private partnership operated by the Virginia Association of Broadcasters to advertise Virginia tourism. The Virginia Association of Broadcasters shall provide a total of at least $900,000 in television and radio advertising value to promote tourism in Virginia the first year and $854,610 the second year.

3. $100,000 the first year and $100,000 the second year from the general fund shall be provided for "See Virginia Parks," a public-private partnership to advertise Virginia Parks. The Virginia Association of Broadcasters shall provide a total of at least $300,000 in television and

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radio advertising value to promote Virginia's parks in each fiscal year.				
4. $100,000 the first year and $100,000 the second year from the general fund shall be provided to promote Virginia's wineries through a "See Virginia's Wineries" program, a public-private partnership managed by the Virginia Tourism Corporation to market Virginia's wineries. The Virginia Association of Broadcasters shall provide a total of at least $300,000 in television and radio advertising value to promote Virginia's wineries in each fiscal year.				
O. Out of the amounts provided for Tourist Promotion, $85,500 the first year and $70,965 the second year from the general fund shall be provided to the cooperative advertising program operated by the Outdoor Advertising Association of Virginia. The Outdoor Advertising Association of Virginia shall provide a total of at least $256,500 in advertising value the first year and $212,895 the second year to promote tourism in Virginia.				
Total for Virginia Tourism Authority			**$18,058,765**	**$19,658,135**
Fund Sources: General	$18,058,765	$19,658,135		
TOTAL FOR OFFICE OF COMMERCE AND TRADE			**$1,332,481,701**	**~~$1,136,873,250~~** ***$1,131,132,568***
General Fund Positions	372.83	372.83		
Nongeneral Fund Positions	1,284.17	1,284.17		
Position Level	1,657.00	1,657.00		
Fund Sources: General	$159,712,767	~~$173,438,781~~ *$167,698,099*		
Special	$21,918,527	$24,914,872		
Trust and Agency	$1,029,841,375	$817,041,375		
Dedicated Special Revenue	$30,195,246	$30,630,436		
Federal Trust	$90,813,786	$90,847,786		

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OFFICE OF EDUCATION

121. Not set out.

122. Not set out.

123. Not set out.

§ 1-13. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

124. Not set out.

125. Not set out.

126. Not set out.

127. Not set out.

128. Not set out.

129. Not set out.

130. Not set out.

Direct Aid to Public Education (197)

131. Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			$7,339,961	~~$7,563,611~~ *$7,471,611*
Financial Assistance for Supplemental Education (14304)	$7,339,961	~~$7,563,611~~ *$7,471,611*		
Fund Sources: General.....	$7,339,961	~~$7,563,611~~ *$7,471,611*		

Authority: Discretionary Inclusion.

A. Out of this appropriation, the Department of Education shall provide $373,776 the first year and $373,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B.1. Out of this appropriation, the Department of Education shall provide $688,500 the first year and $619,650 the second year from the general fund for Project Discovery. These funds are to fund approximately one-half of the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery.

2. The Department of Education shall determine the Project Discovery funding distributions to each community action agency. The contract with Project Discovery, Inc. should specify the allocations to each local Project Discovery program. Allocations shall be on a per pupil basis for students enrolled in the program.

C. Out of this appropriation, the Department of Education shall provide $124,011 the first year and $124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional $71,849 the first year and $71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

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D. This appropriation includes $58,905 the first year and ~~$58,905~~ *$108,905* the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

E. An additional state payment of $145,896 the first year and $145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.

F. Out of this appropriation, $248,021 the first year and $248,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

G. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be $5,000 the first year of the certificate and $2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at $4,677,500 the first year and ~~$4,970,000~~*$4,828,000* the second year from the general fund for the purpose of paying these bonuses. By September 30 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

H.1. This appropriation includes $708,000 the first year and $708,000 the second year from the general fund for the Virginia Teaching Scholarship Loan Program. These scholarships shall be for undergraduate students at or beyond the sophomore year in college with a cumulative grade point average of at least 2.7 who are nominated by their college and students at the graduate level and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for (i) critical teacher shortage disciplines, such as special education, chemistry, physics, earth and space science, foreign languages, or technology education or (ii) as students meeting the qualifications in § 22.1-290.01, Code of Virginia, who have been identified by a local school board to teach in any discipline or at any grade level in which the school board has determined that a shortage of teachers exists; however, such persons shall meet the qualifications for awards granted pursuant to this item; or (iii) those students seeking degrees in Career and Technical education. Minority students may be enrolled in any content area for teacher preparation and male students may be enrolled in any approved elementary or middle school teacher preparation program; therefore, this provision shall satisfy the requirements for the Diversity in Teaching Initiative and Fund, pursuant to Chapters 570, 597, 623, 645, and 719 of the Acts of Assembly of 2000. Scholarship recipients may fulfill the teaching obligation by accepting a teaching position (i) in one of the critical teacher shortage disciplines; or (ii) regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced price lunch; or (iii) in any discipline or at grade levels with a shortage of teachers; or (iv) in a rural or urban region of the state with a teacher shortage. For the purposes of this item, "critical teacher shortage area and discipline" means subject areas and grade levels identified by the Board of Education in which the demand for classroom teachers exceeds the supply of teachers, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship amounts are based on $3,720 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Board of Education is authorized to recover total funds awarded as scholarships or the appropriate proportion thereof in the event that scholarship recipients fail to honor the stipulated teaching obligation. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.

2. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.

3. The Board of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated

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teaching obligation. Any funds collected by the Board on behalf of this program shall revert to the general fund on June 30 each year. Such reversion shall be the net of any administrative or legal fees associated with the collection of these funds.

I. Out of the amounts for this Item, shall be provided $31,003 the first year and $31,003 the second year from the general fund for the Virginia Career Education Foundation.

J. Out of this appropriation, $212,500 the first year and $212,500 the second year from the general fund shall be distributed to the Greater Richmond Area Scholarship Program, Incorporated (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

132. State Education Assistance Programs (17800)			$5,283,978,697	~~$5,513,401,257~~ *$5,490,067,679*
~~Standards of Quality for Public Education (SOQ) (17801)~~	$4,694,672,603	~~$4,902,077,135~~		
Standards of Quality for Public Education (Soq) (17801)		*$4,898,382,982*		
Financial Incentive Programs for Public Education (17802)	$103,501,924	~~$121,365,168~~ *$66,621,846*		
Financial Assistance for Categorical Programs (17803) ...	$50,604,170	~~$54,083,954~~ *$51,962,851*		
Distribution of Lottery Funds (17805).....	$435,200,000	~~$435,875,000~~ *$473,100,000*		
Fund Sources: General	$4,706,006,597	~~$4,944,242,729~~ *$4,883,684,151*		
Special	$795,000	$795,000		
Commonwealth Transportation	$2,173,000	$2,173,000		
Trust and Agency	$575,004,100	~~$566,190,528~~ *$603,415,528*		

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-101, 22.1-108, 22.1-199 through 22.1-212.2:3, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022.1 and 58.1-4022, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	**FY 2011**	**FY 2012**
Basic Aid (excluding State Fiscal Stabilization Funds)	$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 (split funded)	$10,610,395	~~$547,995~~ *$0*

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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*	
Group Life	$6,458,766		~~$6,478,763~~ *$6,470,917*	
Subtotal SOQ (In this Item)	**$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	**$4,817,607,211**		**~~$4,902,074,654~~** ***$4,898,382,982***	
Incentive Programs (17802)				
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 (split funded)	$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	**$103,501,924**		**~~$121,365,168~~** ***$66,621,846***	
Categorical Programs (17803)				
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 Programs	$29,959,061		~~$32,784,982~~ *$31,518,455*	
Total	**$50,604,170**		**~~$54,083,954~~** ***$51,962,851***	
Lottery (17805)				
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~~	

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			$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	
Regional 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	
Career and Technical 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 (split funded)	$24,821,859		~~$26,892,683~~	
			$27,406,097	
Composite Index Hold Harmless (split funded)	$19,772,510		~~$2,000,000~~	
			$16,560,612	
Supplemental Support for School Operating Costs	*$0*		*$36,081,566*	
Total	**$435,200,000**		~~**$435,875,000**~~	
			$473,100,000	
Technology - VPSA	$56,986,000		~~$57,168,000~~	
			$58,052,000	

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,209,762.40 the first year and ~~1,216,938.05~~ *1,215,736.10* the second year.

c. March 31 ADM adjusted for half-day kindergarten at 85 percent of March 31 ADM, is estimated at 1,209,176.58 the first year and ~~1,216,321.64~~ *1,215,030.04* the second year.

d. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course shall be counted in the funded fall membership and March 31 ADM of the relevant school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

e. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 D shall be counted in the March 31 Average Daily Membership of the relevant school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.

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2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.

3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.

b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions shall spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.

4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2007-2008 school year and 1/3 of the index of wealth per capita (population estimates for 2007 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2007 - 50 percent; (2) adjusted gross income for the calendar year 2007 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2007 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2009.

b. For any locality whose total calendar year 2007 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.

c.1) In the event that two or more school divisions become one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be paid Standard of Quality payments for all pupils in the combined division on the basis of a composite index established by the Board of Education, which shall equal the lowest composite index of any of the individual school divisions involved in such consolidation. In the event of a consolidation of local governments which shall include the transition of a city to town status, this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index figure as set forth above. The Governor shall approve the composite index determined by the Board of Education prior to disbursement of funds under such index. The department shall report to the Chairmen of the House Appropriations and Senate Finance Committees the composite indices approved by the Governor and the Board in the event this provision is implemented.

2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the

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fifteen year period for the application of a new composite index pursuant to paragraph c.1) above shall apply beginning with the fiscal year that starts on July 1, 2004.

3) Pursuant to paragraph c.1) above, if the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.

d. When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.

e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.

5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the triennial census of school age population, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.

6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.

7. "Planning District Eight"—The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

8. "State Share for the Standards of Quality" - The state share for a locality shall be equal to the cost for that locality less the locality's estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the triennial census of school age population, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins and less the required local expenditure.

9. In the event that the general fund appropriations in Item 131 and Item 132 are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of each Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total appropriations after such transfers remain insufficient to meet the entitlements of any program, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in the program where such shortfall occurred. In addition, the Department of Education is authorized each year to temporarily suspend textbook payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining textbook payments to be made for the year.

10. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.

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11. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year average daily membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ) basic aid costs for support services through the rebenchmarking process.

12. Notwithstanding any other provision in statute or in this item, the Department of Education is directed to include zeros in the linear weighted average calculation of support non-personal costs for the purposes of rebenchmarking and allocating funding to localities.

13. Notwithstanding any other provision in statute or in this item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost calculations for the purposes of calculating Standards of Quality (SOQ) basic aid costs for support services through the rebenchmarking process.

14. Notwithstanding any other provision in statute or in this item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purposes of calculating Standards of Quality (SOQ) basic aid costs for support services through the rebenchmarking process.

15. Notwithstanding any other provision in statute or in this item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purposes of rebenchmarking.

16. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	$43,904	$43,904
Elementary Assistant Principals	$62,383	$62,383
Elementary Principals	$76,766	$76,766
Secondary Teachers	$46,090	$46,090
Secondary Assistant Principals	$66,658	$66,658
Secondary Principals	$84,564	$84,564
Instructional Aides	$16,104	$16,104

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

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c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.

2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.

3. In the event the statewide number of pupils in March 31 ADM exceeds the number estimated as the basis for this appropriation, the locality's state share of the Basic Operation Cost and the required local share shall be reduced proportionately so that this appropriation will not be exceeded.

4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.

5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.

6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.

7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 2); Education of the Gifted, 1.0 professional instructional position (C 3); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 4 and C 5) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C8).

b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.

c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.

d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the

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required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

8.a. The Department of Education shall make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure. The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. The Department of Education shall specify the calculations to determine if a school division has appropriated and expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:

b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.

c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.

h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any sum which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a, the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;

2) The local governing body agrees to reappropriate the funds as a supplemental appropriation

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to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;

3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;

4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and

5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.

c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.

10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has appropriated and expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by October 1 each fiscal year in a manner prescribed by the Department of Education. Upon receipt of the certifications, the Department of Education shall make calculations to ensure that school divisions have appropriated adequate local funds, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. If the Department of Education's calculations indicate that insufficient local funds are appropriated to meet the required local funding match for one or more programs, state funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall also make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.

11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.

12. The Superintendent of Public Instruction shall provide a report annually on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.

13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.

14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.

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15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.

16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.

17. At the Department of Education's option, fees for audio-visual services may be deducted from state aid payments for individual local school divisions.

18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.

19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four approximately equal bimonthly installments at the middle and end of each month.

20. The Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund based on the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year of the biennium.

The State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund based on the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year of the biennium.

21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.

22. This item includes appropriations totaling an estimated $435,200,000 the first year and ~~$435,875,000~~ *$473,100,000* the second year from the revenues deposited to the Lottery Proceeds Fund. *The appropriations for the second year includes an additional $9,000,000 from Lottery proceeds that were earned in FY 2011.* These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this Fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the Fund.

23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.

24.a. Any locality that has met its required local effort for the Standards of Quality accounts for fiscal year 2011 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in fiscal year 2011 may carry over into fiscal year 2012 any remaining state Direct Aid to Public Education fund balances available to help minimize any fiscal year 2012 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in fiscal year 2012.

b. Any locality that has met its required local effort for the Standards of Quality accounts for fiscal year 2012 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in fiscal year 2012 may carry over into fiscal year 2013 any remaining state Direct Aid to Public Education fund balances available to help minimize any fiscal year 2013 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the

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funds to the school division for expenditure in fiscal year 2013.

25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.

26. The Department of Education shall allocate an additional $122,941,314 from the State Fiscal Stabilization Fund, American Recovery and Reinvestment Act of 2009, appropriated in Item 133 in the first year to the local school divisions to pay a portion of the state's share of Basic Aid. The allocations shall be based on the proportion that each school division represents to the statewide total of Basic Aid amount in this Item as introduced in House Bill 30/ Senate Bill 30. The amounts appropriated are an estimate, and may be modified by the Director, Department of Planning and Budget depending on final budget reduction actions taken to the final budget bill enacted for the 2008-10 biennium.

C. Apportionment

1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.

2. School Employee Retirement Contributions

a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.

b. Notwithstanding § 51.1-1401 of the Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional positions, distributed based on the composite index of the local ability-to-pay.

c. As a part of the review of the Virginia Retirement System pursuant to House Joint Resolution No. 34 the joint subcommittee shall review: 1) the Commonwealth's responsibilities for funding the teacher retirement system beyond the actuarial normal rate and 2) the Commonwealth's appropriate share for retirement payments by school divisions. In making this review, the joint subcommittee shall review the impact of the blended retirement rates on the retirement system, school divisions, and the Commonwealth.

3. School Employee Social Security Contributions

This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.

3.1 Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed $139,575,000 the first year and $130,086,428 the second year.

4. School Employee Insurance Contributions

This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.

5. Basic Aid Payments

a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support

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costs calculated on a prevailing basis for an estimated March 31 ADM (adjusted for half-day kindergarten programs).

2) This appropriation includes funding to recognize the common labor market in the Washington -Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional and support positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District 8. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District 8.

b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.

c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.

d. 1) In accordance with the provisions of §§ 22.1-281 and 37.1-96, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid appropriation.

2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.

e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of the basic operation cost in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.

2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.

f. Textbooks

1) The appropriation in this Item includes $10,610,395 the first year ~~and $547,995 the second year~~ from the general fund and $24,821,859 the first year and ~~$26,892,683~~ *$27,406,097* the second year from the Lottery Proceeds Fund as the state's share of the cost of textbooks based on a per pupil amount of $52.54 the first year and $40.56 the second year. The state's share of textbooks will be fund split between the general fund and Lottery Proceeds Fund. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

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2) School divisions shall provide free textbooks to all students.

3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.

4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2011, or June 30, 2012, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose.

5) For purposes of calculating rebenchmarking costs for textbooks for the 2012-2014 biennium, the Department of Education shall include the higher of the fiscal year 2009 or fiscal year 2010 division-level textbook per pupil amount in calculating the base year statewide prevailing per pupil amount. For this one year calculation, the Department of Education shall adjust, with one additional year of inflation, any fiscal year 2009 division-level per pupil textbook expenditure data used in calculating the base year statewide prevailing per pupil amount.

g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the then current fiscal year.

h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at $217,300,000 the first year and ~~$225,100,000~~ *$216,100,000* the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act which are derived from the 1/4 cent increase in the state sales and use tax levied pursuant to Chapter 3, 2004 Special Session I. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.

i. From the total amounts in paragraph h. above, an amount estimated at $108,400,000 the first year and ~~$112,400,000~~ *$113,700,000* the second year (approximately 1/8 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.

j. From the total amounts in paragraph h. above, an amount estimated at $108,900,000 the first year and ~~$112,700,000~~ *$102,400,000* the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund on the basis of the 2008 triennial census of school age population in the first year and the 2008 triennial census in the second year as specified in this Item.

k. For the purposes of funding certain support positions in Basic Aid a funding ratio methodology is used based upon the prevailing ratio of support positions to SOQ funded instructional positions as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.

6. Education of the Gifted Payments

a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000

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students in adjusted March 31 ADM.

b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.

7. Occupational-Vocational Education Payments

a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.

b. An amount estimated at $107,216,580 the first year and $107,704,301 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.

8. Special Education Payments

a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.

b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.

9. Remedial Education Payments

a. An additional payment estimated at $69,458,001 the first year and ~~$69,431,627~~ *$69,402,834* the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.

b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.

c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.

d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. An additional state payment estimated at $63,963,698 the first year and ~~$63,991,497~~ *$63,940,825* the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally At-Risk. The additional payment shall be based on the state share of:

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1) A minimum one percent add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and

2) An addition to the add-on, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive between 1 and 12 percent in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

3a) Local school divisions are required to spend the established at-risk payment (state and local share) on approved programs for students who are educationally at risk.

b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the at-risk payment will be used to support approved programs for students who are educationally at risk. These programs may include: Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a second language, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, any new funds a school division receives in excess of the amounts received in fiscal year 2008 may be used first to provide data coordinators or to purchase similar services for schools that have not met Adequate Yearly Progress (AYP) under the federal No Child Left Behind Act or are not fully accredited under the Standards of Accreditation. The data coordinator position is intended to provide schools with needed support in the area of data analysis and interpretation for instructional purposes, as well as overall data management and the administration of state assessments. The position would primarily focus on data related to instruction and school improvement, including: student assessment, student attendance, student/teacher engagement, behavior referrals, suspensions, retention, and graduation rates.

f. Regional Alternative Education Programs

1) An additional state payment of $6,715,412 the first year and ~~$7,031,965~~ *$6,941,282* the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.

2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.

3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.

b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.

1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.

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2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.

3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.

g. Remedial Summer School

1) This appropriation includes $20,823,833 the first year and ~~$21,496,705~~ *$20,979,581* the second year from the Lottery Proceeds Fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at $72,710,288 the first year and ~~$74,777,373~~ *$74,386,767* the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved

Eligible for Free Lunch	Grades K-3 School Ratio	Maximum Individual K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class

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size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Board of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Board of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Board of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

b. The Board of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology in this Item.

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.

2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.

d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

12. Educational Technology Payments

a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.

b. The Board of Education shall authorize amounts estimated at $12,825,750 the first year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2006.

c. The Board of Education shall authorize amounts estimated at $12,981,750 the first year and $12,978,000 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2007.

d.1) The Board of Education shall authorize amounts estimated at $12,606,750 the first year and $12,607,250 the second year from the Literary Fund to provide debt service payments for

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the education technology grant program conducted through the Virginia Public School Authority in 2008.

2) It is the intent of the General Assembly to authorize sufficient appropriate Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2012-14 biennial budget for public education, the Board of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal year 2013.

e. 1) The Board of Education shall authorize amounts estimated at $12,155,750 the first year and $12,151,000 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2009.

2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2012-14 biennial budget for public education, the Board of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal year 2013 and fiscal year 2014.

f.1) The Board of Education shall authorize amounts estimated at $12,940,236 the first year and $13,051,000 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2010.

2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2012-14 and 2014-16 biennial budgets for public education, the Board of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal years 2013, 2014, and 2015.

g. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at $56,986,000 in fiscal year 2011 and ~~$57,168,000~~ *$58,052,000* in fiscal year 2012. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. By fiscal year 2011, high schools within the division shall administer 100 percent of SOL tests online; by fiscal year 2012, middle and high schools shall administer 100 percent of SOL tests online; and by fiscal year 2013, elementary, middle, and high schools shall administer 100 percent of SOL tests online. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.

2) The Board of Education shall authorize amounts estimated at ~~$12,020,428~~ *$11,907,598* the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in fiscal year 2011.

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs in fiscal year 2011 and in fiscal year 2012. In developing the proposed 2012-14, 2014-2016, and 2016-2018 biennial budgets for public education, the Board of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2013, 2014, 2015, 2016, and 2017.

4) Grant funds from the issuance of $56,986,000 in fiscal year 2011 and ~~$57,168,000~~ *$58,052,000* in fiscal year 2012 in equipment notes are based on a grant of $26,000 per school and $50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2010, for the fiscal year 2011 issuance, and September 30,

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2011, for the fiscal year 2012 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.

5) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that administer SOL tests in Spring 2010 and that are not fully accredited based on school accreditation ratings in effect for fiscal year 2011 will qualify for a supplemental grant of $26,000 per school in fiscal years 2011, 2012, and 2013. Schools that administer SOL tests in Spring 2011 and that are not fully accredited based on school accreditation ratings in effect for fiscal year 2012 will qualify for a supplemental grant of $26,000 per school in fiscal years 2012, 2013, and 2014. Schools eligible to receive these three-year supplemental grants shall only receive them one time.

6) Required local match:

a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match shall be used for teacher training in the use of instructional technology. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The School for the Deaf and the Blind is exempt from the match requirement.

b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants of $26,000 per school pursuant to paragraph g. 5) and where 100 percent of SOL tests are administered online in the schools receiving the supplemental grants shall give first priority to purchasing these technology-based interventions as well as teacher training in the use of the interventions from their required local match.

7) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.

8) Funds shall be used in the following manner:

a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.

b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.

c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, school divisions may use these grant funds to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.

d) School divisions shall be eligible to apply for and receive supplemental grants of $26,000 per qualifying school pursuant to paragraph g. 5). These supplemental grants shall be used first for the purpose of developing and maintaining capacity to support 100 percent online SOL testing of all students in qualifying schools and helping the schools achieve full accreditation with the assistance of targeted technology-based interventions. Any purchase of technology-based interventions as described in paragraph g. 6) b) with supplemental grant funds

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must be qualifying expenses under the technology notes program. Eligibility for these funds requires divisions to submit an application and plan that includes goals, objectives, strategies, and a timeline for implementation. Division plans will be reviewed and approved by the Superintendent of Public Instruction prior to disbursement of the supplemental grant funds.

e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

9) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

h. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.

i.1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.

2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

j. Unspent proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes.

k.1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254. The Commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

13.Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at $60,482,416 the first year and ~~$65,104,439~~ *$62,907,575* the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds unserved by Head Start program funding. In no event shall distributions from the Lottery Proceeds Fund be made directly to

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community-based or private providers.

2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay. Programs must provide full-day or half-day and, at least, school-year services.

3) The Department of Education, in cooperation with the Council on Child Day Care and Early Childhood Programs, shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such guidelines shall be consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

4)a) Grants shall be distributed based on an allocation formula providing the state share of a $6,000 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. Programs operating half-day shall receive state funds based on a fractional basis determined by the pro-rata portion of a full-day, school year program provided. Half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch or recess, and grants to half-day programs shall be funded based on the state share of $3,000 per unserved at-risk four-year-old in each locality. Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals and recess. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.

b) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days.

b.1) Any locality which desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children.

2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency.

3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least seventy-five percent of the local match will be cash and no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is prohibited from continuing the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such prohibition may occur due to amendments to the allocation formula in the reauthorization of ESEA as the No Child Left Behind Act of 2001 or due to a percentage

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reduction in a locality's Title I allocation in 2009-2010 or 2010-2011. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.

c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:

1) "Wraparound Services" — methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.

2) "Wrapout Services" — methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.

3) "Expansion of Service" — methods for using grant funds to purchase slots within existing programs, such as Head Start, which provide comprehensive services to at-risk four-year-old children.

Local plans must indicate the number of at-risk four-year-old children to be served, and the criteria by which they will be determined to be at risk.

d.1) The Department of Education and the Council on Child Day Care and Early Childhood Programs shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program for serving at-risk four-year-old children.

2) A pre-application session shall be provided by the Department and the Council on Child Day Care and Early Childhood Programs prior to the proposal deadline. The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk four-year-old population is currently unserved.

e. The Department of Education is authorized to expend unobligated balances in this program's adopted budget allocations for grants to qualifying school divisions for one-time expenses, other than capital, related to start-up or expansion of programs.

14. Early Reading Intervention Payments

a. An additional payment of $13,375,413 the first year and ~~$13,409,571~~ *$13,618,329* the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

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	Year 1	Year 2
Kindergarten	100%	100%
Grade 1	100%	100%
Grade 2	100%	100%
Grade 3	25%	25%

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

15. Standards of Learning Algebra Readiness Payments

a. An additional payment of $9,074,317 the first year and ~~$9,062,788~~ *$9,185,714* the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

16.School Construction Grants Program Payments

Notwithstanding the requirements of Section 22.1-175.5 of the Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to Section 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.

17. English as a Second Language Payments

A payment of $37,514,278 the first year and ~~$39,960,785~~ *$38,740,581* the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of 17 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.

18. Special Education Instruction Payments

a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.

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b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at $70,989,340 the first year and ~~$76,011,161~~ *$68,193,503* the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public school regional programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.

c. Out of the amounts for Financial Assistance for Categorical Programs, $29,959,061 the first year and ~~$32,784,982~~ *$31,518,455* the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of fiscal year 2010 and the first three quarters of fiscal year 2011. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of fiscal year 2011 and the first three quarters of fiscal year 2012.

19. Vocational Education Instruction Payments

a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.

b. This appropriation includes $1,800,000 the first year from the Lottery Proceeds Fund and $1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of $2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.

20. Adult Education Payments

State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.

21. General Education Payments

a. This appropriation includes $4,749,675 the first year from the Lottery Proceeds Fund and ~~$4,749,675~~ *$4,437,895* the second year from the Lottery Proceeds Fund for targeted education initiatives to improve student achievement and teacher quality, including a mentoring program for teachers with no experience working in schools that are at-risk of not meeting adequate yearly progress, a middle school math teacher initiative in at-risk schools, virtual Advanced Placement courses, student acquisition of industry certifications and GED tests as required by the No Child Left Behind Act.

b. This appropriation includes $2,774,478 the first year from the general fund and $2,774,478 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.

22. Virtual Virginia Payments

a. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.

b. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay.

23. Individual Student Alternative Education Program (ISAEP) Payments

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Out of this appropriation, $2,247,581 the first year from the Lottery Proceeds Fund and $2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.

24. Foster Children Education Payments

a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.

b. This appropriation provides $10,379,960 the first year and ~~$11,280,189~~ *$9,549,523* the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the department is authorized to expend unobligated balances in this Item for this support.

25. Sales Tax Payments

a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).

b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.

c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.

26. Adult Literacy Payments

a. Appropriations in this Item include $125,000 the first year and $125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College, and $125,000 the first year and $125,000 the second year from the general fund will be transferred to the Department of Housing and Community Development to support workforce literacy and training.

b. Out of this appropriation, the Department of Education shall provide $100,000 the first year and $100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.

c. Out of this appropriation, the Department of Education shall provide $40,375 the first year and $40,375 the second year from the general fund to Virginia Tech as the fiscal agent for the Virginia Educational Technology Alliance to provide teacher training opportunities in the effective use of educational technologies to full-time, part-time and volunteer teachers involved in adult education and literacy programs in the Commonwealth.

27. Governor’s School Payments

a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed students for participation in this program.

b. Out of the amounts for Governor's School Payments, the Department of Education shall

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provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed students for participation in this program if they are enrolled in a public school.

c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.

d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.

e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.

f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,650 students per Governor's School. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor’s School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30thand January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor’s School programs that admit students on a semester basis.

3) Students attending a continuous, non-revolving Academic Year Governor’s School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor’s School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor’s School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.

28. School Nutrition Payments

It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.

29. School Breakfast Payments

a. Out of this appropriation, $2,497,421 the first year and ~~$2,935,937~~ *$2,891,423* the second

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year from the Lottery Proceeds Fund is included for the purpose of establishing a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be $0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.

b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.

30. Clinical Faculty and Mentor Teacher Program Payments

This appropriation includes $1,000,000 the first year and $1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes $318,750 the first year and $318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

a. An application process for localities and school/higher education partnerships that wish to participate in the programs;

b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;

c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;

d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and

e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.

31. Career Switcher/Alternative Licensure Payments

Appropriations in this Item include $279,983 the first year and $279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.

32. Composite Index Hold Harmless

Out of this appropriation, $88,349,513 from the general fund and $19,772,510 from the Lottery Proceeds Fund shall be used in the first year to provide hold harmless grants, for the loss in House Bill 1500/Senate Bill 800 as introduced in the 2011 General Assembly Session related

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1 to the change in the 2010-12 Composite Index of Local Ability-to-Pay, to the following school
2 divisions as specified below.

	Division	FY 2011	FY 2012
3			
4	Accomack	$3,227	$0
5	Albemarle	$4,764,870	$0
6	Amelia	$297,194	$0
7	Amherst	$60,109	$0
8	Appomattox	$425,139	$0
9	Augusta	$685,060	$0
10	Bedford	$3,020,106	$0
11	Bland	$62,632	$0
12	Botetourt	$207,021	$0
13	Brunswick	$173,041	$0
14	Buchanan	$52,623	$0
15	Buckingham	$434,828	$0
16	Campbell	$699,099	$0
17	Carroll	$277,922	$0
18	Charles City	$25,231	$0
19	Charlotte	$372,327	$0
20	Chesterfield	$3,337,388	$0
21	Craig	$50,307	$0
22	Cumberland	$185,603	$0
23	Dinwiddie	$460,183	$0
24	Essex	$896,203	$0
25	Floyd	$301,200	$0
26	Fluvanna	$399,009	$0
27	Franklin	$550,951	$0
28	Giles	$120,083	$0
29	Gloucester	$794,421	$0
30	Grayson	$747,477	$0
31	Greene	$508,202	$0
32	Greensville	$105,247	$0
33	Halifax	$1,367,177	$0
34	Hanover	$756,185	$0
35	Henrico	$1,416,474	$0
36	Henry	$53,507	$0
37	Highland	$86,275	$0
38	Isle Of Wight	$716,933	$0
39	James City	$2,104,293	$0
40	King Queen	$289,131	$0
41	King William	$490,641	$0
42	Lancaster	$134,490	$0
43	Lee	$350,489	$0
44	Lunenburg	$185,536	$0
45	Madison	$349,894	$0
46	Mathews	$389,874	$0
47	Mecklenburg	$1,399,422	$0
48	Middlesex	$469,293	$0
49	Montgomery	$288,685	$0
50	Nelson	$29,717	$0
51	New Kent	$382,089	$0
52	Northumberland	$602,435	$0
53	Nottoway	$478,065	$0
54	Patrick	$73,353	$0
55	Pittsylvania	$858,632	$0
56	Powhatan	$434,999	$0
57	Prince Edward	$505,466	$0
58	Prince George	$596,670	$0
59	Pulaski	$394,360	$0
60	Richmond	$136,026	$0
61	Roanoke	$850,081	$0
62	Rockbridge	$479,382	$0
63	Rockingham	$1,810,982	$0

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1	Russell	$101,658	$0		
2	Smyth	$234,606	$0		
3	Southampton	$570,264	$0		
4	Surry	$191,112	$0		
5	Sussex	$366,849	$0		
6	Tazewell	$650,056	$0		
7	Wise	$325,964	$0		
8	Wythe	$516,953	$0		
9	York	$637,238	$0		
10	Buena Vista	$7,377	$0		
11	Charlottesville	$1,149,326	$0		
12	Colonial Heights	$228,936	$0		
13	Danville	$306,982	$0		
14	Galax	$58,365	$0		
15	Hampton	$4,197,169	$0		
16	Harrisonburg	$107,034	$0		
17	Hopewell	$124,485	$0		
18	Lynchburg	$1,574,167	$0		
19	Martinsville	$19,231	$0		
20	Newport News	$4,339,173	$0		
21	Norfolk	$8,306,660	$0		
22	Petersburg	$699,085	$0		
23	Portsmouth	$3,553,547	$0		
24	Radford	$368,932	$0		
25	Richmond City	$10,104,390	$0		
26	Roanoke City	$1,302,013	$0		
27	Staunton	$275,588	$0		
28	Suffolk	$3,787,369	$0		
29	Virginia Beach	$13,776,652	$0		
30	Waynesboro	$487,129	$0		
31	Franklin City	$311,213	$0		
32	Chesapeake	$10,123,045	$0		
33	Lexington	201,417	$0		
34	Emporia	$19,790	$0		
35	Bedford City	$81,242	$0		
36	Poquoson	$408,014	$0		
37	West Point	$111,733	$0		
38	**Total Hold Harmless**	**$108,122,023**	**$0**		

39 33. Second Year Composite Index Hold Harmless Supplement

40 Out of this appropriation, ~~$14,560,612 the second year from the general fund and $2,000,000~~
41 *$16,560,612* the second year from the Lottery Proceeds Fund shall be used to provide
42 remaining partial hold harmless one-time grants related to the change in the 2010-12 Composite
43 Index to the following school divisions specified below.

44	Albemarle	$1,927,410
45	Amelia	$1,625
46	Appomattox	$11,358
47	Bedford County	$796,942
48	Buckingham	$40,974
49	Essex	$356,561
50	Grayson	$206,625
51	Greene	$23,500
52	Halifax	$167,637
53	Highland	$36,801
54	James City	$531,437
55	King & Queen	$92,992
56	King William	$61,216
57	Lancaster	$34,290
58	Madison	$65,727
59	Mathews	$129,385
60	Mecklenburg	$310,204
61	Middlesex	$195,189

ITEM 132.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
	Northumberland		$268,132		
	Nottoway		$35,688		
	Prince Edward		$38,889		
	Rockbridge		$80,744		
	Southampton		$39,834		
	Surry		$58,326		
	Sussex		$81,328		
	Charlottesville		$415,542		
	Hampton		$172,547		
	Lynchburg		$127,727		
	Norfolk		$1,406,251		
	Portsmouth		$431,705		
	Radford		$56,639		
	Richmond City		$3,863,563		
	Suffolk		$750,378		
	Virginia Beach		$1,720,723		
	Franklin City		$51,323		
	Chesapeake		$1,899,111		
	Lexington		$58,672		
	Poquoson		$13,617		
	Total Hold Harmless		**$16,560,612**		

~~34. Performance Pay Pilots~~

~~Out of this appropriation, $3,000,000 the second year from the general fund shall be used to provide competitive grants to school divisions to pilot models for awarding performance pay for instructional personnel in hard-to-staff schools as determined by the Department of Education. School divisions interested in submitting proposals for competitive grants must outline clearly defined performance objectives. A significant component of the performance evaluation must include measureable and appropriate achievement goals for student progress, including the state-provided growth measure when available. School division grant proposals are due to the Department of Education no later than June 15, 2011.~~

~~35.~~*34.* Supplemental Support for School Operating Costs

Out of this appropriation an estimated ~~$87,693,820~~ *$51,500,691* the second year from the general fund *and $36,081,566 the second year from the Lottery Proceeds Fund* shall be disbursed by the Department of Education to local school divisions for use solely for educational purposes based on the state's share of $129.62 per pupil. This allocation is a one-time supplemental payment and these funds shall be matched by the local government, based on the composite index of local ability-to-pay.

133. Not set out.

Total for Direct Aid to Public Education			**$6,248,352,072**	**~~$6,355,056,968~~** ***$6,331,631,390***
Fund Sources: General	$4,713,346,558	~~$4,951,806,340~~ *$4,891,155,762*		
Special	$795,000	$795,000		
Commonwealth Transportation	$2,173,000	$2,173,000		
Trust and Agency	$575,004,100	~~$566,190,528~~ *$603,415,528*		
Federal Trust	$957,033,414	$834,092,100		

Virginia School for the Deaf and the Blind (218)

134. Not set out.

135. Not set out.

136. Administrative and Support Services (19900)			$1,197,879	$1,222,879
General Management and Direction (19901)	$1,197,879	$1,222,879		

ITEM 136.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
Fund Sources: General	$1,172,879	$1,172,879		
Special	$25,000	$25,000		
Federal Trust	$0	$25,000		
Authority: Title 22.1, Chapter 19, Code of Virginia.				
A. It is the intention of the General Assembly that student enrollment will remain at the October 9, 2008, level.				
B. Notwithstanding any other provision of law, the Virginia School for the Deaf and Blind is authorized to retain the income generated by the rental of facilities on the Staunton campus to outside entities.				
Total for Virginia School for the Deaf and the Blind			**$10,303,198**	**$10,308,198**
General Fund Positions	180.50	180.50		
Position Level	180.50	180.50		
Fund Sources: General	$9,065,858	$9,070,858		
Special	$350,000	$350,000		
Federal Trust	$887,340	$887,340		
Grand Total for Department of Education, Central Office Operations			**$6,353,615,831**	**~~$6,459,787,215~~** ***$6,436,361,637***
General Fund Positions	320.00	316.50		
Nongeneral Fund Positions	177.50	178.50		
Position Level	497.50	495.00		
Fund Sources: General	$4,772,295,599	~~$5,010,221,869~~ *$4,949,571,291*		
Special	$7,625,419	$7,625,419		
Commonwealth Transportation	$2,413,942	$2,413,942		
Trust and Agency	$575,283,763	~~$566,470,191~~ *$603,695,191*		
Federal Trust	$995,997,108	$873,055,794		

137. Not set out.

138. Not set out.

139. Not set out.

140. Not set out.

141. Not set out.

142. Not set out.

143. Not set out.

144. Not set out.

145. Not set out.

146. Not set out.

147. Not set out.

148. Not set out.

149. Not set out.

ITEM 150.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
150. Not set out.				
151. Not set out.				
152. Not set out.				
153. Not set out.				
154. Not set out.				
155. Not set out.				
156. Not set out.				
157. Not set out.				
158. Not set out.				
159. Not set out.				
160. Not set out.				
161. Not set out.				
162. Not set out.				
163. Not set out.				
164. Not set out.				
165. Not set out.				
166. Not set out.				
167. Not set out.				
168. Not set out.				
169. Not set out.				
170. Not set out.				
171. Not set out.				
172. Not set out.				
173. Not set out.				
174. Not set out.				
175. Not set out.				
176. Not set out.				
177. Not set out.				
178. Not set out.				
179. Not set out.				
180. Not set out.				
181. Not set out.				

ITEM 182.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
182.	Not set out.				
183.	Not set out.				
184.	Not set out.				
184.10.	Not set out.				
185.	Not set out.				
186.	Not set out.				
187.	Not set out.				
188.	Not set out.				
189.	Not set out.				
190.	Not set out.				
191.	Not set out.				
192.	Not set out.				
193.	Not set out.				
194.	Not set out.				
195.	Not set out.				
196.	Not set out.				
197.	Not set out.				
198.	Not set out.				
199.	Not set out.				
200.	Not set out.				
201.	Not set out.				
202.	Not set out.				

§ 1-14. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)

203.	Educational and General Programs (10000)			$858,697,303	~~$787,221,959~~ *$787,171,959*
	Higher Education Instruction (100101)	$459,838,117	~~$385,317,168~~ *$385,267,168*		
	Higher Education Public Services (100103)	$5,978,145	$5,978,145		
	Higher Education Academic Support (100104)	$78,527,540	$78,527,540		
	Higher Education Student Services (100105)	$58,111,450	$58,111,450		
	Higher Education Institutional Support (100106)	$171,699,270	$171,199,270		
	Operation and Maintenance of Plant (100107)	$84,542,781	$88,088,386		
	Fund Sources: General	$341,647,732	~~$316,171,281~~ *$316,121,281*		
	Special	$5,000	$5,000		
	Higher Education Operating	$517,044,571	$471,045,678		

Authority: Title 23, Chapter 16, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional

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initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. It is the objective of the Commonwealth that a standard of 70 percent full-time faculty be established for the Virginia Community College System. Consistent with higher education funding guidelines, it is expected that the Virginia Community College System will utilize the funds provided for base operating support to achieve this objective. In addition, the first priority for new funding provided to the community college system shall be for operating support at individual community colleges. Thirty days prior to the beginning of each fiscal year, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the allocation of all new general funds and nongeneral funds in this item and any cost recovery plans between the individual community colleges and the system office.

C. It is the intent of the General Assembly that funds available to the Virginia Community College System be reallocated to accommodate changes in enrollment and other cost factors at each of the community colleges.

D. Tuition and fee revenues from out-of-state students taking distance education courses through the Virginia Community College System must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the State Board for Community Colleges.

E. Out of this appropriation, $110,097 and one position the first year and $110,097 and one position the second year from the general fund is designated to enhance the skills of the interpreters for the deaf and hard-of-hearing and to enable them to achieve higher levels of expertise.

F. Out of this appropriation, amounts for the following special programs are designated: at J. Sargeant Reynolds Community College, the Program for the Deaf, $84,097 and four positions the first year and $84,097 and four positions the second year from the general fund and the Program for the Intellectually Disabled, $118,566 and four positions the first year and $118,566 and four positions the second year from the general fund; and, at New River Community College, the Program for the Deaf, $102,051 and four positions the first year and $102,051 and four positions the second year from the general fund, and the Program for the Intellectually Disabled, $90,788 and 4.5 positions the first year and $90,788 and 4.5 positions the second year from the general fund; and, at Danville Community College, the Program for the Deaf, $46,580 and one position the first year and $46,580 and one position the second year from the general fund.

G. Out of this appropriation, $50,814 the first year and $50,814 the second year from the general fund is designated to support the Southwest Virginia Telecommunications Network.

H.1. Out of this appropriation, $211,725 the first year and $211,725 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College.

2. Out of this appropriation, $296,415 the first year and $296,415 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College for an ongoing match for a grant from the U.S. Department of Commerce to develop a manufacturer assistance program covering most of Virginia.

I. Out of this appropriation, $340,533 and four positions the first year and $340,533 and four positions the second year from the general fund is provided to support Virginia Western Community College's participation in the Roanoke Higher Education Center and the Botetourt County Education and Training Center at Greenfield.

J. Out of this appropriation, $169,380 the first year and $169,380 the second year from the general fund is designated to support the Southwestern Virginia Advanced Manufacturing Technology Center at Wytheville Community College.

K. It is the intent of the General Assembly that noncredit business and industry work-related training courses and programs offered by community colleges be funded at a ratio of 30

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percent from the general fund and 70 percent from nongeneral funds. Out of this appropriation, $846,900 in the first year and $846,900 in the second year from the general fund is designated for this purpose. These funds may be combined with funds of $317,588 the first year and $317,588 the second year already included in the Virginia Community College System budget for the "Virginia Works" program. The funds will be allocated by formula to all colleges based on the number of individuals served by non-credit activities.

L.1. As recommended by House Joint Resolution No. 622 (1997), the Joint Subcommittee to Study Noncredit Education for Workforce Training in the Commonwealth, the Virginia Community College System is directed to establish one or more Institutes of Excellence responsible for development of statewide training programs to meet current, high demand workforce needs of the Commonwealth. Out of this appropriation, at least $846,900 the first year and $846,900 the second year from the general fund is available to support the Institutes of Excellence.

2. Under the guidance of the Virginia Workforce Council, authorized in Title 2.2, Chapter 26, Article 25, Code of Virginia, the Virginia Community College System shall submit to the Chairmen of the Senate Finance and House Appropriations Committees by November 4 of each year a report detailing the financing, activities, accomplishments and plans for the Institutes of Excellence and the four workforce development centers, and outcomes of the appropriations for 23 workforce coordinators and for non-credit training. The report shall include, but not be limited to:

a. performance measures to be used to evaluate the effectiveness of the workforce coordinators at all 23 colleges;

b. detailed information on number of students trained, employers served and courses offered; the types of certifications awarded; and the participation by local governments and the public or private sector, and other data relevant to the activities of the four regional workforce development centers;

c. the number of students trained, employers served and courses offered through noncredit instruction, and the amounts of local government, public or private sector funding used to match this appropriation; and

d. the amount or percentage of private and public funding contributed for the institutes' programming and operating needs; the number of private and public partnerships involved in the institutes' programming; the number of faculty and colleges affected by the institutes§ programming; and performance measures to be used to evaluate the sharing or broadcasting of information and new/improved/updated curricula to other Virginia Community College campuses.

M. Out of this appropriation, $1,291,523 and 23 positions the first year and $1,291,523 and 23 positions the second year from the general fund is provided for staff who will be responsible for coordinating workforce training in the campus service area. The staff will work with local business and industry to determine training needs, coordinate with local economic development personnel, the local workforce training council, and other providers. It is the General Assembly's intent that the Virginia Community College System maximize these positions by encouraging funding matches at the local level.

N. Out of this appropriation, $508,140 and four positions the first year and $508,140 and four positions the second year from the general fund is provided for four workforce training centers: the Peninsula Workforce Development Center (Thomas Nelson Community College), $84,690 and one position the first year and $84,690 and one position the second year; the Regional Center for Applied Technology Training (Danville Community College), $169,380 and one position the first year and $169,380 and one position the second year; a Workforce Development Center at Paul D. Camp Community College, $169,380 and one position the first year and $169,380 and one position the second year; and the Central Virginia Manufacturing Technology Training Center in the Lynchburg area, $84,690 and one position the first year and $84,690 and one position the second year. Each center shall provide a 25 percent match prior to the release of state funding.

O.1. Out of this appropriation, $345,000 the first year and $345,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Botetourt County

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Education and Training Center at Greenfield.

2. The general fund amounts provided for in this paragraph for workforce training, retraining, programming, and community education facilities at the Botetourt County Education and Training Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.

P.1. Out of this appropriation, $330,000 the first year and $330,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Virginia Peninsula Workforce Development Center.

2. The general fund amounts provided for in this Item for workforce training, retraining, programming, and community education facilities at the Virginia Peninsula Workforce Development Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.

Q. ~~Out of this appropriation, $100,000 from the general fund and $100,000 from nongeneral funds the first year and $100,000 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.~~ *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.*

R. Out of this appropriation, $150,000 the first year and $150,000 the second year from the general fund is provided for the Mecklenburg County Job Retraining Center.

S.§ As Virginia§s public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

T. Out of this appropriation, $250,000 each year from the general fund shall be provided to Northern Virginia Community College to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.

U. Out of this appropriation, $46,891,497 the first year from nongeneral funds is provided to support educational and general programs and student financial assistance. The source of the nongeneral funds is the State Fiscal Stabilization Fund from the American Recovery and Reinvestment Act of 2009. This funding is intended to moderate the general fund reductions to the institution, as well as moderate the need for tuition and fee increases and increase student access. The institution is authorized to spend this funding in either the first year or the first quarter of the second year. Prior to release of this funding, the institution shall provide a plan to the Governor delineating the respective portion of this funding to be used for educational and general program funding and financial assistance, and the year it will be spent. In addition, the plan shall include anticipated tuition and fee increases for the first and second year of the biennium. The amounts appropriated are an estimate, and may be modified by the Director, Department of Planning and Budget, depending on final budget reduction actions taken to higher education and public education in the final budget bill enacted for the 2008-10 biennium.

V. 1. Out of this appropriation, $8,053,001 the second year from the general fund is designated to support the goals of the Governor's Higher Education Commission of access, affordability, quality and increased degrees. Of this amount, $5,400,000 is provided to increase the number of full-time faculty in order to improve the full-time faculty ratio by at least two percent, and $2,653,001 is provided to support operations and maintenance of new buildings.

2. It is the intent of the General Assembly that 100 percent of the general funds contained in this amendment be allocated to the individual community colleges. As required in paragraph B

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of this item, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees by June 1, 2011, on the allocation of these funds, as well as the allocation of all general and nongeneral funds contained in this item by individual community colleges for fiscal years 2011 and 2012.				
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.				
204. Not set out.				
205. Not set out.				
206. Not set out.				
207. Not set out.				
208. Not set out.				
Total for Virginia Community College System			**$1,410,790,876**	**~~$1,397,672,403~~** ***$1,397,622,403***
General Fund Positions.....	5,542.57	5,542.57		
Nongeneral Fund Positions.....	4,465.58	4,465.58		
Position Level	10,008.15	10,008.15		
Fund Sources: General.....	$370,127,022	~~$353,007,442~~ *$352,957,442*		
Special.....	$5,000	$5,000		
Higher Education Operating.....	$1,035,048,091	$1,039,049,198		
Debt Service.....	$5,610,763	$5,610,763		
209. Not set out.				
210. Not set out.				
211. Not set out.				
212. Not set out.				
213. Not set out.				
214. Not set out.				
215. Not set out.				
216. Not set out.				
217. Not set out.				
218. Not set out.				
219. Not set out.				
220. Not set out.				
221. Not set out.				
222. Not set out.				
223. Not set out.				

ITEM 224.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
224.	Not set out.				
225.	Not set out.				
226.	Not set out.				
227.	Not set out.				
228.	Not set out.				
229.	Not set out.				
230.	Not set out.				
231.	Not set out.				
232.	Not set out.				
	§ 1-15. VIRGINIA COMMISSION FOR THE ARTS (148)				
233.	Not set out.				
234.	Museum and Cultural Services (14500)			$532,137	~~$532,137~~ *$582,492*
	Operational and Support Services (14507)	$532,137	~~$532,137~~ *$582,492*		
	Fund Sources: General	$432,439	~~$432,439~~ *$482,794*		
	Special	$15,000	$15,000		
	Federal Trust	$84,698	$84,698		
	Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
	Total for Virginia Commission for the Arts			**$4,658,186**	~~**$4,658,186**~~ ***$4,708,541***
	General Fund Positions	5.00	5.00		
	Position Level	5.00	5.00		
	Fund Sources: General	$3,794,813	~~$3,794,813~~ *$3,845,168*		
	Special	$50,000	$50,000		
	Dedicated Special Revenue	$8,000	$8,000		
	Federal Trust	$805,373	$805,373		
235.	Not set out.				
236.	Not set out.				
237.	Not set out.				
238.	Not set out.				
239.	Not set out.				
240.	Not set out.				
241.	Not set out.				

ITEM 242.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012

242. Not set out.

243. Not set out.

244. Not set out.

§ 1-16. VIRGINIA COLLEGE BUILDING AUTHORITY (941)

245. Authority: Chapter 597, Acts of Assembly of 1986.

A.1. The purpose of this Item is to provide an ongoing program for the acquisition and replacement of instructional and research equipment at state-supported institutions of higher education in accordance with the intent and purpose of Chapter 597, Acts of Assembly of 1986.

2. Debt service payments required to support equipment purchases are appropriated in Item 271 for the Treasury Board. Within the appropriation of the Treasury Board is debt service totaling $53,965,798 from the general fund and $4,842,602 from nongeneral funds the first year and $41,017,323 from the general fund and $4,842,602 from nongeneral funds the second year.

3. The Treasury Board shall transfer on July 1 of each fiscal year the required lease payment amounts to the Virginia College Building Authority. Failure to transfer the required amounts will result in the Authority defaulting on its debt obligations.

4. The Governor shall annually present to the General Assembly through the Commonwealth's budget process, the estimated amount of lease payments and the corresponding total value of equipment to be acquired.

B.1. The State Council of Higher Education for Virginia shall establish and maintain procedures through which institutions of higher education apply for allocations made available under the program, and shall develop guidelines and recommendations for the apportionment of such equipment to each state-supported institution of higher education.

2. The Authority shall finance equipment for educational institutions in accordance with § 23-30.28, Code of Virginia, and according to terms and conditions approved through the Commonwealth's budget and appropriation process. Bonds or notes issued by the Virginia College Building Authority to finance equipment may be sold and issued at the same time with other obligations of the Authority as separate issues or as a combined issue. Each institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions are necessary when the General Assembly is not in session, the Governor may approve such acquisitions. The Governor shall report his approval of such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.

3. Amounts for debt service payments for allocations provided by this Item shall be provided pursuant to Item 271 of this act.

C.1. Transfer of the appropriation in Item 271 of this act to the Virginia College Building Authority shall be subject to the approval of the Secretary of Finance. An allocation of ~~$116,798,956~~ *$109,201,944* made in the 2008-2010 biennium brings the total amount of equipment acquired through the program to approximately $918,108,405.

2. Allocations of ~~$56,052,693~~*$56,100,973* the first year and ~~$56,052,693~~*$56,100,973* the second year will be made to support the purchase of additional equipment to enhance instructional and research activity at Virginia's public colleges and universities. Allocations are as follows:

Institution	Prior Allocations	FY 2011 Allocation	FY 2012 Allocation	FY 2011 Research Allocation	FY 2012 Research Allocation
George Mason University	$61,887,930	$3,181,598	$3,181,598	$145,000	$145,000
Old Dominion University	$61,509,757	$4,043,427	$4,043,427	$135,000	$135,000

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University of Virginia	$156,778,485	$8,430,318	$8,430,318	$1,970,000		$1,970,000
Virginia Commonwealth University	$112,868,535	$5,524,380	$5,524,380	$1,190,000		$1,190,000
Virginia Polytechnic Institute and State University	$168,474,629	$8,328,077	$8,328,077	$2,295,000		$2,295,000
College of William and Mary	$29,989,310	$1,854,370	$1,854,370	$250,000		$250,000
Christopher Newport University	$9,609,341	$608,154	$608,154	$0		$0
University of Virginia's College at Wise	$3,872,095	$202,068	$202,068	$0		$0
James Madison University	$31,600,823	$1,861,748	$1,861,748	$0		$0
Longwood University	$9,694,986	$599,263	$599,263	$0		$0
University of Mary Washington	$12,079,325	$528,581	$528,581	$0		$0
Norfolk State University	$19,714,999	$967,377	$967,377	$0		$0
Radford University	$21,902,001	$1,406,595	$1,406,595	$0		$0
Virginia Military Institute	$11,066,288	$714,250	$714,250	$0		$0
Virginia State University	$16,772,939	$1,081,905	$1,081,905	$0		$0
Richard Bland College	$2,297,815	$129,092	$129,092	$0		$0
Virginia Community College System	$176,880,898	$9,765,909	$9,765,909	$0		$0
Virginia Institute of Marine Science	$5,369,951	$410,699	$410,699	$25,000		$25,0000
Southwest Virginia Higher Education Center	$903,910	$64,575	$64,575	$0		$0
Roanoke Higher Education Authority	$607,490	$62,570	$62,570	$0		$0
Institute for Advanced Learning and Research	$4,101,898	$221,003	$221,003	$0		$0
Southern Virginia Higher Education Center	$50,000	$30,013	$30,013	$0		$0
New College Institute	$75,000	$75,000	$75,000	$0		$0
TOTAL	**$918,108,405**	**~~$50,042,693~~**	**~~$50,042,693~~**	**$6,010,000**		**$6,010,000**
		$50,090,973	***$50,090,973***			

Total for Virginia College Building Authority.....		**$0**	**$0**
TOTAL FOR OFFICE OF EDUCATION.....		**$14,983,308,111**	**~~$15,035,133,105~~** ***$15,011,707,882***

General Fund Positions.....	18,353.16	18,399.75
Nongeneral Fund Positions.....	35,441.74	35,687.85
Position Level	53,794.90	54,087.60
Fund Sources: General.....	$6,463,124,125	~~$6,626,362,261~~ *$6,565,712,038*
Special.....	$42,871,398	$43,037,784
Higher Education Operating.....	$6,630,261,913	$6,643,845,637
Commonwealth Transportation	$2,413,942	$2,413,942
Enterprise	$0	$5,200,000
Internal Service.....	$0	$290,000
Trust and Agency	$575,583,763	~~$566,770,191~~ *$603,995,191*

ITEM 245.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
1	Debt Service	$246,202,368	$249,495,897		
2	Dedicated Special Revenue	$11,400,376	$7,969,457		
3	Federal Trust	$1,011,450,226	$889,747,936		

ITEM 246.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012

OFFICE OF FINANCE

246. Not set out.

§ 1-17. DEPARTMENT OF ACCOUNTS (151)

247. Not set out.

248. Not set out.

249. Service Center Administration (82600) ..... a sum sufficient

Fund Sources: General ..... a sum sufficient
Internal Service ..... a sum sufficient

Authority: Title 2.2, Chapter 8, Code of Virginia.

A. Amounts for the Payroll Service Bureau represent an internal service fund derived from charges to agencies for services. The estimated cost for this internal service fund is $1,758,038 the first year and ~~$1,758,038~~ *$1,894,952* the second year.

B.1. The Department of Accounts shall operate the payroll service center to support the salaried and wage employees of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The payroll service center shall provide services to employees to include, but not be limited to, payroll, benefit enrollment and leave accounting. The Department of Accounts shall be responsible for all accounting reconciliations for these services; however, each employing agency shall remain fully responsible for certifying the accuracy of each payroll paid to its employees. This certification shall be in such form as the State Comptroller directs.

2. The Department of Accounts shall recover the cost of services provided by the payroll service center through interagency transactions as determined by the State Comptroller.

C.1. The Department of Accounts shall operate a fiscal service center to support the operations of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The service center shall provide services to agencies to include accounts payable processing, travel voucher processing, related reconciliations, and such other fiscal services as may be appropriate.

2. The Department of Accounts shall recover the cost of services provided by the fiscal service center through interagency transactions as determined by the State Comptroller.

3. The Department of Accounts is authorized to charge fees of up to twenty percent of revenues generated pursuant to non-tax debt collection initiatives to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues deposited to the Virginia Technology Infrastructure Fund pursuant to Item 433 B.1. of this act.

D. Nothing in this section shall prohibit additional agencies from using the services of the centers; however, such additions shall be subject to approval by the affected cabinet secretary and the Secretary of Finance.

250. ~~Financial Assistance, Health Research (40700)~~			$1,049,187	$1,049,187
Financial Assistance for Health Research (40700)				
Health Research Grant Administration Services (40701) .	$1,049,187	$1,049,187		
Fund Sources: Dedicated Special Revenue	$1,049,187	$1,049,187		

Authority: Title 2.2, Chapter 8, Code of Virginia.

ITEM 250.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System pursuant to § 23-284, Code of Virginia.				
250.10. Information Systems Management and Direction (71100)			a sum sufficient	
Fund Sources: Internal Service	a sum sufficient			
Authority: Title 2.2 Chapter 8, Code of Virginia				
A1. Amounts for the Financial Oversight for Enterprise Applications represent an internal service fund derived from charges to agencies for the ongoing operating costs of the Commonwealth's enterprise applications. The estimated cost for this internal service fund is ~~$490,947~~ *$1,700,594* in FY 2012. The State Comptroller shall establish a fund entitled the Enterprise Applications Internal Service Fund. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful identifier, as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.				
2. By September 1 of each year, the State Comptroller shall submit revised projections of revenues and expenditures for the internal service fund and estimates of any anticipated changes to fee schedules to the Joint Legislative Audit and Review Commission. Upon approval by the Joint Legislative Audit and Review Commission, the changes can be considered for inclusion in the executive budget submitted to the General Assembly pursuant to § 2.2-1508, Code of Virginia. In emergency circumstances, deviations from this schedule may be approved by the Joint Legislative Audit and Review Commission to prevent interruption of enterprise applications services.				
3. In the event that expenses for the ongoing operations and maintenance of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the fund.				
251. Not set out.				
252. Not set out.				
253. Not set out.				
254. Not set out.				
Total for Department of Accounts			**$11,749,398**	**$11,851,424**
General Fund Positions	102.00	102.00		
Nongeneral Fund Positions	22.00	22.00		
Position Level	124.00	124.00		
Fund Sources: General	$10,100,568	$9,998,542		
Special	$599,643	$803,695		
Dedicated Special Revenue	$1,049,187	$1,049,187		
Department of Accounts Transfer Payments (162)				
255. Financial Assistance to Localities - General (72800) a sum sufficient, estimated at			$36,405,000	~~$60,504,000~~ *$60,210,000*
Distribution of Rolling Stock Taxes (72806)	$6,200,000	~~$6,200,000~~ *$5,900,000*		
Distribution of Recordation Taxes (72808)	$28,000,000	$52,000,000		

ITEM 255.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
Distribution of Sales Tax Revenues From Certain Public Facilities (72811)	$1,040,000	$1,040,000		
Distribution of Tennessee Valley Authority Payments in Lieu of Taxes (72812)	$1,165,000	~~$1,264,000~~ *$1,270,000*		
Fund Sources: General	$36,405,000	~~$60,504,000~~ *$60,210,000*		

Authority: §§ 4.1-116, 4.1-117, 4.1-235, 15.2-5814, 15.2-5914, 58.1-608.3, 58.1-815.1, 58.1-816, 58.1-2658.1, and 58.1-3406, Code of Virginia.

A. Out of this appropriation, amounts estimated at $8,000,000 the first year and $32,000,000 the second year, a total of $40,000,000 for the biennium, from the general fund shall be deposited into the Northern Virginia Transportation District Fund, as provided in §58.1-815.1, Code of Virginia. Said amount shall consist of recordation taxes attributable to and transferable to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, and Prince William, pursuant to § 58.1-816, Code of Virginia. This amount shall be transferred to Item 456 of this act and shall be used to support the Northern Virginia Transportation District Program as defined in § 33.1-221.1:3, Code of Virginia. The Commonwealth Transportation Board shall make such allocations and expenditures from the Fund as are provided in the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993 (Chapter 391, Acts of Assembly of 1993). The Commonwealth Transportation Board also shall make such allocations and expenditures from the fund as are provided in Chapters 470 and 597 of the Acts of Assembly of 1994 (amendments to Chapter 391, Acts of Assembly of 1993).

B. Pursuant to Chapters 233 and 662 of the Acts of Assembly of 1994, out of this appropriation, an amount estimated at $1,000,000 the first year and $1,000,000 the second year from the general fund shall be deposited into the Set-aside Fund as requested in an ordinance adopted March 28, 1995, and in compliance with the requirements provided for in § 58.1-816.1, Code of Virginia, for an account for the City of Chesapeake. These amounts shall be transferred to Item 456 of this act and shall be allocated by the Commonwealth Transportation Board to provide for the debt service pursuant to the Oak Grove Connector, City of Chesapeake, Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994 (Chapters 233 and 662, Acts of Assembly of 1994).

C. There is hereby appropriated for payment to the Virginia Baseball Stadium Authority from the program Financial Assistance to Localities - General a sum sufficient equal to the state personal, corporate, and pass-through entity income and sales and use tax revenues to which the Authority is entitled.

256. ~~Revenue Stabilization Fund (73500)~~			~~$0~~	~~$114,000,000~~
~~Payments to the Revenue Stabilization Fund (73501)~~	~~$0~~	~~$114,000,000~~		
Fund Sources: ~~General~~	~~$0~~	~~$114,000,000~~		

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The Auditor shall, at the same time, provide his report on the 10 percent limitation and the amount that could be paid into the Fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

~~B. Out of the appropriation in the second year, $114,000,000 shall be reserved by the State Comptroller on June 30, 2012, as a reserve for any potential deposit required to be made to the Revenue Stabilization Fund attributable for tax collections for fiscal year 2011, pursuant to § 2.2-1829, Code of Virginia. This appropriation is subject to the following conditions: 1) if the Auditor of Public Accounts' certification of the required deposit attributable to actual tax collections for fiscal year 2011 exceeds the amount included in this item, the incremental amount required to meet the actual required deposit as certified by the Auditor of Public Accounts shall be deposited into the Revenue Stabilization Fund on or before June 30, 2013; or~~

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~~2) in the event the Auditor of Public Accounts' certification of the required deposit attributable to actual tax collections for fiscal year 2011 is less than the amount included in this item, any amount in excess of the amount needed to meet the actual required deposit shall remain in the general fund and not be deposited to the Revenue Stabilization Fund.~~				
257. Not set out.				
258. Line of Duty (76000)			$9,458,131	$9,458,131
Death Benefit Payments Under the Line of Duty Act (76001)	$525,000	$525,000		
Health Insurance Benefit Payments Under the Line of Duty Act (76002)	$8,933,131	$8,933,131		
Fund Sources: Trust and Agency	$9,458,131	$9,458,131		

Authority: Title 9.1, Chapter 4, Code of Virginia.

A. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia.

B.1. There is hereby established the Line of Duty Act Fund (the Fund) for the payment of benefits prescribed by and administered under the Line of Duty Act. The funds of the Line of Duty Act Fund shall be deemed separate and independent trust funds, shall be segregated and accounted for separately from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the covered employees and beneficiaries thereof. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of the Fund for any purpose other than as provided in law for benefits and administrative expenses. Fund deposits are irrevocable and are not subject to the claims of creditors. In addition to other such powers as shall be vested in the Board, the Board shall have the full power to invest, reinvest and manage assets of the Fund in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1, and no officer, director, or member of the Board or of any advisory committee of the Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care in Article 3.1 of Chapter 1 of Title 51.1 shall be held personally liable for losses suffered by the Fund on investments made under the authority of this article. The Board is authorized to establish loans to the Fund from the Group Life program in such amounts and under such terms as may be established by the Board. Beginning on July 1, 2010, and not to extend past June 30, 2012, the Virginia Retirement System shall advance funds as may be needed for the initial capitalization and ongoing expenses of the Fund from fund balances of the Group Life program. The Fund shall reimburse the Retirement System for all reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

2. Definitions. As used in this item:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Covered employee" means any employee, sheriff, deputy sheriff, or volunteer of a participating employer or non-participating employer eligible for coverage under the provisions of the Line of Duty Act.

"Fund" means the Line of Duty Act Fund.

"Line of Duty Act" means §9.1-400 et seq.

"Non-participating employer" means any political subdivision making the irrevocable election, in a manner and on such forms as prescribed by the Board, to self-fund Line of Duty Act benefits under Item paragraph B.4 of this Item.

"Participating employer" means any agency of the Commonwealth with covered employees and any (i) county, city, or town with covered employees that does not make the election under paragraph B.4 of this Item;, or (ii) political entity, subdivision, branch, commission, public

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authority, or body corporate, or other entity of a local government with covered employees that does not make the election under paragraph B.4 of this Item.

"Retirement System" means the Virginia Retirement System.

3. Payment of benefits; funding of benefits.

(a) All payments for benefits provided through the Line of Duty Act shall be paid by the State Comptroller. The State Comptroller shall be reimbursed from the Fund for all benefit payments made on behalf of participating employers that, which payments have been approved by the State Comptroller. The State Comptroller shall be reimbursed on no more than a monthly basis from documentation provided to the Retirement System. Reimbursement from the Fund may include reasonable administrative expenses incurred by the Department of Accounts or the State Comptroller for administering the provisions of the Line of Duty Act.

Each participating employer shall make contributions each year to the Fund in accordance with guidelines adopted by the Board. Such contributions shall be for purposes of funding benefits and administrative expenses under the Line of Duty Act. The employer contribution for each participating employer shall be determined by the Board on a current disbursement basis in accordance with the provisions of this section.

b) For purposes of this item, employer contributions for coverage provided to members of the National Guard and United States military reserves on active duty shall be paid by the Commonwealth.

(c) For purposes of establishing employer contribution contributions, a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town shall be considered part of the city, county, or town served by the company, department or rescue squad. If a company, department, or rescue squad serves more than one city, county, or town, the affected cities, counties, or towns shall determine the basis and apportionment of the required covered payroll and contributions for each department, company, or rescue squad.

(d) Each participating employer shall provide all required data requested by the Board to administer the Fund in a form approved by the Board.

(e) In the event any participating employer fails to remit contributions or other fees and costs of the Fund as duly prescribed, the Board shall inform the State Comptroller and the participating employer of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the Fund from any moneys otherwise distributable to such participating employer.

4. Irrevocable election to become non-participating employer.

(a) A political subdivision with covered employees may make, in a manner and on such forms as prescribed by the Board, an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds, including any responsibility apportioned to it under the provisions of paragraph 3(c) above. Non-participating employers shall continue to be subject to the provisions set forth in the Line of Duty Act.

(b) A non-participating employer shall not be required to contribute to the Fund.

(c) All payments for benefits provided through the Line of Duty Act shall be paid by the State Comptroller. The State Comptroller shall be reimbursed by the non-participating employer for all Line of Duty Act benefit payments made on behalf of such non-participating employer for which payments have been approved by the State Comptroller. The State Comptroller shall be reimbursed on no more than a monthly basis from documentation provided to the non-participating employer. The State Comptroller shall determine and collect from a non-participating employer an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

5. The Virginia Retirement System Medical Board established pursuant to § 51.1-124.23 of the

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Code of Virginia shall, upon request by the State Comptroller, make a written report of its conclusions and recommendations on matters referred to it regarding eligibility for benefits under the Line of Duty Act.

C. In addition to any other benefit provided by law, an additional death benefit in the amount of $20,000 for the surviving spouses and dependents of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and Health Benefits Trust Fund. The Department of Accounts, with support from the Department of Military Affairs, shall determine eligibility for this benefit.

D. For any surviving spouse of a "deceased person" or any "disabled person" as those terms are defined in § 9.1-400, who is receiving the benefits described in § 9.1-401 and who would otherwise qualify for the health insurance credit described in Chapter 14 of Title 51.1, Code of Virginia, the amount of such credit shall be calculated and reimbursed to the State Comptroller for deposit into the Line of Duty Death and Health Benefits Trust Fund from the health insurance credit trust fund, in a manner prescribed by the Board of Trustees of the Virginia Retirement System.

E. A member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard shall be eligible to receive benefits according to the provisions under the Line of Duty Act, Title 9.1, Chapter 4, Code of Virginia. Funding for the inclusion of a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard will be paid by the Department of Military Affairs out of its appropriation in Item 404 of this act.

F. It is the intent of the General Assembly that expeditious payments for funeral expenses be made for persons whose death is determined to be a direct and proximate result of their performance in the line of duty. The State Comptroller is hereby authorized to release, at the request of the family of a person who may be subject to the line of duty death benefits, payments to a funeral service provider for costs directly related to funeral expenses, these payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. In the event a determination is made that the death is not subject to the line of duty benefits, the Virginia Retirement System or other retirement fund to which the deceased is a member, will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased, payments previously paid for funeral expenses and return such funds to the State Comptroller.

259. Not set out.

259.10. Not set out.

Total for Department of Accounts Transfer Payments			**$1,017,704,518**	**~~$1,161,167,386~~** ***$1,046,873,386***
Fund Sources: General	$986,405,000	~~$1,124,504,000~~ *$1,010,210,000*		
Trust and Agency	$31,299,518	$36,663,386		
Grand Total for Department of Accounts			**$1,029,453,916**	**~~$1,173,018,810~~** ***$1,058,724,810***
General Fund Positions	102.00	102.00		
Nongeneral Fund Positions	22.00	22.00		
Position Level	124.00	124.00		
Fund Sources: General	$996,505,568	~~$1,134,502,542~~ *$1,020,208,542*		
Special	$599,643	$803,695		
Trust and Agency	$31,299,518	$36,663,386		
Dedicated Special Revenue	$1,049,187	$1,049,187		

260. Not set out.

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§ 1-18. DEPARTMENT OF TAXATION (161)

261.	Not set out.			
262.	Revenue Administration Services (73200)		$127,565,990	~~$127,819,147~~ *$128,180,267*
	Tax Return Processing (73214)	$10,750,630	$10,060,454	
	Customer Services (73217)	$10,648,154	~~$10,591,487~~ *$10,952,607*	
	Compliance Audit (73218)	$80,351,434	$81,351,434	
	Compliance Collections (73219)	$25,815,772	$25,815,772	
	Fund Sources: General	$49,462,586	~~$48,715,743~~ *$49,076,863*	
	Special	$16,437,985	$16,437,985	
	Trust and Agency	$652,457	$652,457	
	Dedicated Special Revenue	$61,012,962	$62,012,962	

Authority: Title 3.2; Title 58.1, Code of Virginia.

A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to contract with private collection agencies for the collection of delinquent accounts. The State Comptroller is hereby authorized to deposit collections from such agencies into the Contract Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may be used to pay private collection agencies/attorneys and perform oversight of their operations, upgrade audit and collection systems and data interfaces, and retain experts to perform analysis of receivables and collection techniques. Any balance in the fund remaining after such payment shall be deposited into the appropriate general, nongeneral, or local fund no later than June 30 of each year.

B. There is hereby appropriated, for each year of the biennium, revenues from the sales tax on fuel in certain transportation districts to cover only the direct cost of administration incurred by the department in collecting these taxes as provided by § 58.1-1724, Code of Virginia.

C.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable share of any court fines and fees to reimburse the department for any ongoing operational collection expenses.

2. Any form of state debt assigned to the Department of Taxation for collection may be collected by the department in the same manner and means as state taxes may be collected pursuant to Title 58.1, Chapter 18, Code of Virginia.

D. The Department of Taxation is authorized to make tax incentive payments to small tobacco product manufacturers who do not participate in the 1998 Tobacco Master Settlement Agreement, pursuant to Chapter 901 of the 2005 Acts of Assembly.

E. The Department of Taxation is hereby appropriated revenues from the Communications Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-662, Code of Virginia.

F. The Tax Commissioner shall have the authority to waive penalties and grant extensions of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax Commissioner in his discretion finds that the normal due date has, or would, cause undue hardship to taxpayers who were, or would be, unable to use electronic means to file a return or pay a tax because of a power or systems failure that causes the department's electronic filing or payment systems to be nonfunctional for all or a portion of a day on or about the due date for a return or payment.

G. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees imposed under §58.1-513 C. 2., Code of Virginia, on the transferring of the value of the donated interest. The Code of Virginia specifies such fees will be used by the Departments of Taxation and Conservation and Recreation to recover the direct cost of administration incurred

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in implementing the Virginia Land Conservation Act.

H. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by the Department of Taxation.

I. There is hereby appropriated for payment to the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission a sum sufficient amount of nongeneral fund revenues estimated at $61,000,000 in the first year and $62,000,000 in the second year equal to the revenues collected pursuant to § 58.1-1720 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-1720 et seq., Code of Virginia. Such funds shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions.

J. 1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at $460,000,000 in the first year and $460,000,000 in the second year equal to the revenues collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia and Item 279 of this act. For the purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.

2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax.

K. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011, every employer whose average monthly liability can reasonably be expected to be $1,000 or more and the aggregate amount required to be withheld by any employer exceeds $500 shall file the annual report required by § 58.1-478, Code of Virginia, and all forms required by § 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.

L. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be required to mail its forms and instructions unless requested by a taxpayer or his representative.

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.

263. Not set out.

264. Not set out.

Total for Department of Taxation			**$159,439,223**	**~~$159,000,522~~** ***$159,361,642***
General Fund Positions	955.50	955.50		
Nongeneral Fund Positions	37.00	37.00		
Position Level	992.50	992.50		

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	Fund Sources: General	$80,343,481	~~$78,904,780~~ *$79,265,900*		
	Special	$17,430,323	$17,430,323		
	Trust and Agency	$652,457	$652,457		
	Dedicated Special Revenue	$61,012,962	$62,012,962		
265.	Not set out.				
266.	Not set out.				
267.	Not set out.				
	§ 1-19. TREASURY BOARD (155)				
268.	Not set out.				
269.	Not set out.				
270.	Not set out.				
271.	Bond and Loan Retirement and Redemption (74300)			$559,853,649	~~$630,797,264~~ *$619,778,002*
	Debt Service Payments on General Obligation Bonds (74301)	$119,034,910	$119,358,310		
	Capital Lease Payments (74302)	$13,813,790	$13,802,699		
	Debt Service Payments on Public Building Authority Bonds (74303)	$245,681,006	~~$290,935,198~~ *$283,891,103*		
	Debt Service Payments on College Building Authority Bonds (74304)	$181,323,943	~~$206,701,057~~ *$202,725,890*		
	Fund Sources: General	$531,376,401	~~$580,552,193~~ *$569,097,331*		
	Special	$2,417,353	$2,416,485		
	Higher Education Operating	$26,059,895	~~$26,726,552~~ *$27,162,152*		
	Federal Trust	$0	$21,102,034		

Authority: Title 2.2, Chapter 18; Title 33.1, Chapter 3, Article 5, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2011		FY 2012	
	General Fund	**Nongeneral Fund**	**General Fund**	**Nongeneral Fund**
2002 Refunding	$9,208,300	$0	$8,813,800	$0
2003A	$3,822,288	$0	$3,696,288	$0
2004A	$9,639,062	$0	$10,500,626	$0
2004B Refunding	$12,259,550	$0	$11,808,050	$0
2005	$7,562,476	$0	$8,318,226	$0
2006A Refunding	$10,064,750	$0	$9,534,500	$0
2006	$7,732,588	$0	$8,686,088	$0
2007A	$11,365,463	$0	$11,052,963	$0
2007B	$7,138,025	$0	$6,938,025	$0

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2008A	$8,651,563	$0	$8,454,563		$0
2008B	$8,951,438	$0	$8,801,438		$0
2008B Refunding	$5,634,341	$0	$5,349,963		$0
2009A	$7,445,000	$0	$7,285,000		$0
2009B	$3,455,316	$0	$3,436,869		$577,161
2009 Refunding	$6,064,750	$0	$6,064,750		$0
Projected debt service & expenses	$40,000	$0	$40,000		$0
Total Service Area	**$119,034,910**	**$0**	**$118,781,149**		**$577,161**

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2011	FY 2012
Big Stone Gap RHA (DOC) (Wallens Ridge, 1995)	$6,028,875	$6,019,000
Norfolk RHA (VCCS-TCC), Series 1995	$2,018,381	$2,018,255
Innovative and Entrepreneurship Investment Authority (VEDP) (1997)	$1,351,896	$1,350,568
Virginia Biotech Research Park, 2001	$2,823,638	$2,823,876
Virginia Biotech Research Park, 2009	$1,591,000	$1,591,000
Total Capital Lease Payments	**$13,813,790**	**$13,802,699**

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

	FY 2011		FY 2012	
Series	**General Fund**	**Nongeneral Fund**	**General Fund**	**Nongeneral Fund**
1992B Refunding	$7,410,000	$0	$0	$0
2000	$5,026,400	$0	$0	$0
2001	$1,724,013	$0	$1,720,806	$0
2002	$2,879,913	$0	$2,614,288	$0
2003 Refunding	$4,876,429	$176,684	$4,877,095	$176,399
2004A	$23,932,131	$0	$23,905,256	$0
2004B	$18,209,713	$0	$17,301,575	$0
2004C	$4,545,000	$0	$4,552,875	$0
2004D	$7,510,731	$0	$12,520,338	$0
2005A Refunding	$5,149,625	$0	$5,137,500	$0
2005B Refunding	$19,235,648	$1,865,002	$19,241,586	$1,864,939
2005C	$6,022,313	$0	$6,020,938	$0
STARS 2005C	$12,247,875	$0	$12,250,625	$0
2005D	$650,000	$0	$2,213,346	$0
2006A	$5,954,118	$0	$5,956,243	$0
STARS 2006A	$7,146,375	$0	$7,146,500	$0
2006B	$14,000,300	$0	$14,000,800	$0
STARS 2006B	$4,469,000	$0	$4,468,375	$0
2007A	$14,715,100	$0	$14,718,100	$0
STARS 2007A	$7,513,875	$0	$7,514,000	$0
2008A Refunding	$16,334,958	$375,667	$16,309,478	$375,147
2008B	$11,992,900	$0	$11,992,400	$0
2009A	$4,677,727	$0	$4,681,532	$0
2009B	$16,742,280	$0	$16,743,805	$0
2009B STARS	$6,581,500	$0	$6,580,850	$0
2009C	$1,087,702	$0	$1,088,808	$0
2009D	$1,974,350	$0	$1,972,725	$0
2010A	$10,553,676	$0	$22,252,457	$4,511,477
2010B	$0	$0	$22,262,663	4,142,834

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Projected debt service and expenses	$100,000	$0	~~$9,819,438~~ *$3,975,242*		$0
Total Service Area	**$243,263,653**	**$2,417,353**	**~~$279,864,402~~** ***$272,820,306***		**$11,070,796**

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Loudoun County Adult Detention Center Phase 2	$8,389,677
Riverside Regional Jail Expansion Phase 2	$41,662,121
Blue Ridge Regional Jail	$31,664,995
Meherrin River Regional Jail	$32,189,469
New River Valley Regional Jail	$29,868,567
Patrick County Jail	$2,689,032
Richmond City Jail Replacement	$29,702,708
Newport News Public Safety Building Life Safety Renovation	$875,294
Prince William / Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations)	$31,519,905
RSW Regional Jail	$32,840,850
Eastern Shore Regional Jail	$3,116,122
Total Approved Capital Costs	**$244,518,740**

b. The Commonwealth's share of the total cost of construction for Meherrin River Regional Jail shall not exceed $32,189,469. The Commonwealth's share of the total cost of construction of the Richmond City Jail Replacement shall not exceed $29,702,708. The Commonwealth's share of the total cost of construction of the Newport News Public Safety Building Life Safety Renovation project shall not exceed $875,294. The Commonwealth's share of the total cost of construction of the RSW Regional Jail project shall not exceed $32,840,850. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures and will not occur before July 1, 2012.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

d. Subject to the approval of the Department of Corrections of the final expenditures for the Prince William/Manassas Regional Adult Detention Center (Jail Facility Phase I including renovations), the state share of the approved capital cost for this project shall not exceed $31,519,905.

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2011 General Fund	FY 2011 Nongeneral Fund	FY 2012 General Fund	FY 2012 Nongeneral Fund
2002	$4,037,925	$0	$4,038,925	$0
2003A	$5,262,900	$0	$5,263,400	$0
2004A	$6,242,250	$0	$6,245,500	$0
2004B Refunding	$9,349,950	$0	$9,469,950	$0
2005A	$3,483,500	$0	$3,481,500	$0
2006	$6,600,000	$0	$9,539,800	$0
2007A Refunding	$2,937,300	$0	$2,937,300	$0
2007B	$2,856,175	$0	$2,851,675	$0
2008A	$7,446,731	$0	$7,444,981	$0
2009A&B	$33,301,359	$0	$33,307,609	$0

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2009C Refunding	$2,359,800	$0		$2,363,800	$0
2009E Refunding	$10,218,400	$0		$10,215,450	$0
2009F	$29,410,365	$0		$27,529,014	$6,701,322
2010B	$0	$0		$24,072,213	$5,169,239
Projected 21st Century debt service & expenses	$250,935	$0		~~$1,116,153~~ *$240,986*	$0
Subtotal 21st Century	**$123,757,590**	**$0**		**~~$149,877,270~~** ***$145,902,106***	**$11,870,561**

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	**FY 2011**	**FY 2012**
2006	$12,951,750	$0
2007B	$18,775,750	$18,779,250
2008A	$8,231,750	$8,229,250
2009D	$9,049,150	$9,051,425
2010A	$8,557,953	$8,893,301
Projected debt service & expenses	$0	$0
Subtotal Equipment	$57,566,353	$44,953,226
Total Service Area	**$181,323,943**	**~~$206,701,057~~** ***$202,725,890***

3. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	**FY 2011**	**FY 2012**
George Mason University	$1,734,228	~~$1,819,170~~ *$2,073,870*
Old Dominion University	$832,590	~~$886,050~~ *$966,510*
University of Virginia	$4,266,442	~~$4,304,700~~ *$4,335,120*
Virginia Polytechnic Institute and State University	$4,084,515	~~$4,053,330~~ *$4,204,800*
Virginia Commonwealth University	$1,854,360	~~$1,906,560~~ *$1,558,530*
College of William and Mary	$1,213,882	~~$1,256,580~~ *$1,284,120*
Christopher Newport University	$101,790	~~$118,800~~ *$108,270*
University of Virginia's College at Wise	$35,108	~~$34,650~~ *$37,350*
James Madison University	$2,430,855	~~$2,443,140~~ *$2,429,190*
Norfolk State University	$433,605	~~$459,990~~ *$453,960*
Longwood University	$118,410	~~$120,600~~ *$107,910*
University of Mary Washington	$422,985	~~$373,500~~ *$308,790*
Radford University	$304,470	~~$266,040~~ *$251,820*
Virginia Military Institute	$292,118	~~$311,400~~

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		$315,900		
Virginia State University	$749,985	~~$765,990~~		
		$780,660		
Richard Bland College	$5,730	~~$4,950~~		
		$6,300		
Virginia Community College System	$2,336,220	~~$2,758,500~~		
		$3,096,450		
TOTAL	**$21,217,293**	**~~$21,883,950~~**		
		$22,319,550		

4. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

5. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent with the useful life of the equipment.

	FY 2011		FY 2012	
Institution	**General Fund**	**Nongeneral Fund**	**General Fund**	**Nongeneral Fund**
College of William & Mary	$1,541,950	$259,307	$1,469,205	$259,307
University of Virginia	$10,093,515	$1,088,024	$9,339,830	$1,088,024
Virginia Polytechnic Institute and State University	$9,354,885	$992,321	$8,755,725	$992,321
Virginia Military Institute	$593,290	$88,844	$505,625	$88,844
Virginia State University	$949,330	$108,886	$872,855	$108,886
Norfolk State University	$1,337,165	$108,554	$806,885	$108,554
Longwood University	$520,085	$54,746	$487,775	$54,746
University of Mary Washington	$494,188	$97,063	$437,530	$97,063
James Madison University	$1,671,180	$254,504	$1,511,855	$254,504
Radford University	$1,115,115	$135,235	$1,066,500	$135,235
Old Dominion University	$3,379,770	$374,473	$3,147,225	$374,473
Virginia Commonwealth University	$7,726,995	$401,647	$7,322,975	$401,647
Richard Bland College	$121,730	$2,027	$111,875	$2,027
Christopher Newport University	$558,715	$17,899	$512,725	$17,899
University of Virginia's College at Wise	$211,295	$19,750	$184,280	$19,750
George Mason University	$3,520,240	$205,665	$3,357,410	$205,665
Virginia Community College System	$9,426,165	$633,657	$8,675,410	$633,657
Virginia Institute of Marine Science	$516,760	$0	$489,925	$0
Roanoke Higher Education Authority	$56,105	$0	$52,315	$0
Southwest Virginia Higher Education Center	$53,375	$0	$49,810	$0
Institute for Advanced Learning and Research	$680,565	$0	$135,475	$0
Southern Virginia Higher Education Center	$19,175	$0	$23,435	$0
New College Institute	$24,205	$0	$34,845	$0
TOTAL	**$53,965,798**	**$4,842,602**	**$49,351,490**	**$4,842,602**

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on

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Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 456, paragraph E of this act and §§ 58.1-815, 58.1-815.1 and 58.1-816.1, Code of Virginia, as follows:.

	FY 2011	FY 2012
Transportation Contract Revenue Refunding Bonds, Series 2002 (Route 28)	$7,528,835	$7,529,625
Commonwealth of Virginia Transportation Revenue Bonds		
U.S. Route 58 Corridor Development Program:		
Series 2001B	$3,760,113	$3,758,563
Series 2002B (Refunding)	$7,234,938	$7,235,688
Series 2003A (Refunding)	$9,916,775	$9,911,725
Series 2004B	$23,086,913	$23,088,263
Series 2006C	$3,173,000	$3,173,000
Series 2007B	$4,197,750	$4,197,750
Northern Virginia Transportation District Program:		
Series 2001A	$2,822,413	$2,826,213
Series 2002A	$12,359,444	$12,358,944
Series 2004A	$8,294,750	$8,289,250
Series 2006B	$973,363	$973,363
Series 2007A	$4,526,600	$4,535,600
Series 2009A-1	$2,206,150	$2,207,350
Series 2009A-2	$3,305,799	$3,305,799
Transportation Program Revenue Bonds, Series 2006A (Oak Grove Connector, City of Chesapeake)	$2,226,750	$2,229,750
Capital Project Revenue Bonds:		
Series 2010A-1	$17,181,308	$16,927,750
Series 2010A-2	$19,729,738	$20,351,592

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

272. Not set out.

Total for Treasury Board			**$570,880,963**	**~~$633,432,979~~** ***$622,413,717***
Fund Sources: General	$542,403,715	~~$583,187,908~~ *$571,733,046*		
Special	$2,417,353	$2,416,485		
Higher Education Operating	$26,059,895	~~$26,726,552~~ *$27,162,152*		
Federal Trust	$0	$21,102,034		
TOTAL FOR OFFICE OF FINANCE			**$1,785,484,722**	**~~$1,991,291,673~~** ***$1,866,339,531***
General Fund Positions	1,167.00	1,167.00		
Nongeneral Fund Positions	143.50	143.50		
Position Level	1,310.50	1,310.50		
Fund Sources: General	$1,634,296,040	~~$1,811,432,469~~ *$1,686,044,727*		
Special	$21,138,010	$21,341,194		
Higher Education Operating	$26,059,895	~~$26,726,552~~ *$27,162,152*		

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1	Commonwealth Transportation	$183,163	$183,163		
2	Trust and Agency	$41,045,465	$46,738,527		
3	Dedicated Special Revenue	$62,762,149	$63,767,734		
4	Federal Trust	$0	$21,102,034		

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OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-20. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

273. Not set out.

Comprehensive Services for At-Risk Youth and Families (200)

274. Protective Services (45300)			$328,843,220	~~$322,668,561~~ *$297,841,548*
Financial Assistance for Child and Youth Services (45303)	$328,843,220	~~$322,668,561~~ *$297,841,548*		
Fund Sources: General	$271,234,333	~~$270,060,815~~ *$245,233,802*		
Federal Trust	$57,608,887	$52,607,746		

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, $206,045,021 from the general fund and $56,608,887 from nongeneral funds the first year and ~~$198,371,503~~*$201,871,502* from the general fund and $51,607,746 from nongeneral funds the second year, shall be used for the state pool of funds, pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of $28,759,663 from the general fund and $48,188,889 from nongeneral funds the first year and ~~$32,526,197~~*$28,526,197* from the general fund and $43,187,748 from nongeneral funds the second year. The Office of Comprehensive Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of $177,285,358 from the general fund and $8,419,998 in nongeneral funds the first year and ~~$165,845,306~~*$173,345,306* from the general fund and $8,419,998 in nongeneral funds the second year. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Comprehensive Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Comprehensive Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, $65,119,312 from the general fund and $1,000,000 from nongeneral funds the first year and ~~$66,119,312~~ *$41,292,299* from the general fund and $1,000,000 from nongeneral funds the second year shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. In each year, the director of the Office of Comprehensive Services for At-Risk Youth and Families may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.

c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the

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Comprehensive Services Act.

d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Comprehensive Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Comprehensive Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.

3. Each locality receiving funds for activities under the Comprehensive Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Comprehensive Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Comprehensive Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.

4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and Workforce and the Secretary of Public Safety, shall direct the actions for the Departments of Social Services, Education and Workforce, Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.

5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.

6. Out of this appropriation, $50,000 the first year and $50,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.

7. Out of this appropriation, $175,000 the first year and $175,000 the second year from the general fund shall be available for utilization management services. The Office of Comprehensive Services and the Department of Behavioral Health and Developmental Services, in cooperation with representatives of the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, shall develop the criteria and guidelines to be followed when providing these utilization management services.

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8. Out of this appropriation, $70,000 the first year and $70,000 the second year from the general fund is provided for the Office of Comprehensive Services to contract for the support of uniform CSA reporting requirements.

9. The State Executive Council shall require a uniform assessment instrument.

10. The Office of Comprehensive Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Comprehensive Services Act for At-Risk Youth and Families.

11. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.

C. The funding formula to carry out the provisions of the Comprehensive Services Act for At-Risk Youth and Families is as follows:

1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B 1 b and B 1 c in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Comprehensive Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.

2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Comprehensive Services Act for At-Risk Youth and Families. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C 4 in this Item.

3.a. Notwithstanding the provisions of C 2 of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.

b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.

c. By October 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.

d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Comprehensive Services Act for At-Risk Youth and Families program, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Comprehensive Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.

e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.

4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed $1,560,000 the first year and $1,560,000

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the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C 2 of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of $12,500 or an amount equal to two percent of the total pool allocation. No locality shall receive more than $50,000, inclusive of the state allocation and local matching funds. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Comprehensive Services Act program. Localities may pool this administrative funding to hire regional coordinators.

5. Definition. For purposes of the funding formula in the Comprehensive Services Act for At-Risk Youth and Families, "locality" means city or county.

E. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Comprehensive Services Act for At-Risk Children and Youth. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.

F. Pursuant to subdivision 3 of §2.2-52.06, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Comprehensive Services Act for At-Risk Children and Youth. The Office of Comprehensive Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Comprehensive Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.

G. The Office of Comprehensive Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Comprehensive Services Act for At-Risk Children and Youth (CSA) to become Medicaid-certified providers.

H. The Office of Comprehensive Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Comprehensive Services Act for At-Risk Children and Youth, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.

I. Pursuant to subdivision 19 of §2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on comprehensive services for children, youth and families and a plan for such services for the succeeding biennium.

J. Out of this appropriation, $275,000 the first year and $275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure and outcome data.

K. The State Executive Council shall work with the Department of Education to ensure that funding in this item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).

L. The Office of Comprehensive Services, in collaboration with the Department of Medical Assistance Services, shall explore the possibility of transferring the comprehensive services billing system to the Department of Medical Assistance Services. The Office of Comprehensive

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Services shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the costs and potential savings of transferring the system, as well as a timeline for implementation, by October 1, 2011.

M. The State Executive Council (SEC) shall authorize guidelines for therapeutic foster care (TFC) services, including a standardized definition of therapeutic foster care services, uniform service needs criteria required for the utilization of therapeutic foster care services, uniform placement outcome goals to include length of stay targets when the service is indicated and uniform contracting requirements when purchasing therapeutic foster care services. The SEC shall authorize the use of regional contracts for the provision of TFC services. The SEC shall direct the Office of Comprehensive Services to (i) work with stakeholders to develop these guidelines for the provision of TFC and (ii) develop regional contracts for the provision of TFC, with the goal of decreasing the unit cost of social services and maintaining or increasing the quality and effectiveness of the services. The SEC shall focus its attention on rural areas and areas with few service providers. Training will be provided for all local departments of social services, family assessment and planning teams, community policy and management teams and therapeutic foster care services providers on these guidelines. The Director of the Office of Comprehensive Services shall report the progress of these efforts to the SEC at its regularly scheduled meetings.

N.1. The Office of Comprehensive Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.

2. The Office of Comprehensive Services shall report on funding for special education day treatment, residential services, and services provided in public schools, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.

3. The Office of Comprehensive Services shall report the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees beginning September 1, 2011 and each year thereafter.

O. The State Executive Council (SEC) shall develop a plan to serve children and youth eligible for CSA in the least restrictive environment through the appropriate use of non-educational supportive services. Strategies shall include but not be limited to: establishing clear guidelines for the provision of non-academic, home- and community-based services to children; providing training to localities on the use of CSA pool funds for supportive services for children outside of school to maintain them in their homes and current school placements; and providing training to localities on the provision of supportive services in the public school setting. The plan shall be developed with input from key stakeholders, including but not limited to the State and Local Advisory Team, children's advocacy groups and special education experts. The SEC shall report its findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees on October 1, 2011.

Total for Comprehensive Services for At-Risk Youth and Families			**$328,843,220**	**~~$322,668,561~~** ***$297,841,548***
Fund Sources: General	$271,234,333	~~$270,060,815~~ *$245,233,802*		
Federal Trust	$57,608,887	$52,607,746		
Grand Total for Secretary of Health and Human Resources			**$330,377,920**	**~~$324,849,261~~** ***$300,022,248***
General Fund Positions	5.00	5.00		
Position Level	5.00	5.00		
Fund Sources: General	$272,769,033	~~$272,241,515~~ *$247,414,502*		

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	Federal Trust	$57,608,887	$52,607,746		
275.	Not set out.				
276.	Not set out.				
277.	Not set out.				
278.	Not set out.				
279.	Not set out.				
	§ 1-21. DEPARTMENT OF HEALTH (601)				
280.	Not set out.				
281.	Not set out.				
282.	Not set out.				
283.	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 supplant general fund support from the Communicable Disease Prevention and Control Program.				
284.	Communicable Disease Prevention and Control (40500)			$49,807,930	~~$49,771,301~~ *$49,820,632*
	Immunization Program (40502)	$6,295,435	$6,295,435		
	Tuberculosis Prevention and Control (40503)	$1,980,733	~~$1,980,733~~ *$2,030,064*		
	Sexually Transmitted Disease Prevention and Control (40504)	$1,963,795	$2,097,715		
	Disease Investigation and Control Services (40505)	$3,548,777	$3,724,332		
	HIV/Aids Prevention and Treatment Services (40506)	$36,019,190	$35,673,086		
	Fund Sources: General	$10,982,058	~~$9,964,294~~ *$10,013,625*		
	Special	$511,313	$1,171,711		
	Federal Trust	$38,314,559	$38,635,296		
	Authority: §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, Code of Virginia; and P.L. 91-464, as amended, Federal Code.				
	A. Out of this appropriation, $50,000 the first year and $50,000 the second year from the general fund shall be used to purchase medications for individuals who have tuberculosis but who do not qualify for free or reduced prescription drugs and who do not have adequate income or insurance coverage to purchase the required prescription drugs.				

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B. Out of this appropriation, $40,000 the first year and $40,000 the second year from the general fund shall be provided to the Division of Tuberculosis Control for the purchase of medications and supplies for individuals who have drug-resistant tuberculosis and require treatment with expensive, second-line antimicrobial agents.

C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia, shall be satisfied by the submission of samples to the Division of Consolidated Laboratory Services, or such other laboratory as may be designated by the Board of Health.

D. Out of this appropriation, $280,110 the first year and $280,110 the second year from the general fund and $840,288 the first year and $840,288 the second year from nongeneral funds shall be used to purchase the Tdap (tetanus/diptheria/pertussis) vaccine for children without insurance.

E. Out of this appropriation, $200,000 the first year and $200,000 the second year from the general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for insurance premium payments, coinsurance payments, and other out-of-pocket costs for individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes between 135 percent and 300 percent of the federal poverty income guidelines and who are Medicare Part D beneficiaries.

F. Out of this appropriation, up to $15,000 the second year from the general fund shall be used to support the operations of the Lyme Disease Task Force. This operational support shall be used to provide for the expenses incurred by the members of the task force and may be used for such other services as deemed necessary to accomplish the purposes for which it was created.

G. The Commissioner of Health shall monitor patients who have been removed or diverted from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum the Commissioner shall monitor patients to determine if they have been successfully enrolled in a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral medications. The Commissioner shall also monitor the program to assess whether a waiting list has developed for services provided through the ADAP program. The Commissioner shall report findings to the Chairmen of the House Appropriations and Senate Finance Committees annually beginning October 1, 2011.

285. Not set out.

286. Not set out.

287. Not set out.

288. Not set out.

289. Not set out.

290. Not set out.

291. Not set out.

292. Not set out.

Total for Department of Health.....			**$570,611,749**	**~~$574,599,067~~** ***$574,648,398***
General Fund Positions.....	1,554.22	1,555.22		
Nongeneral Fund Positions.....	2,058.78	2,219.78		
Position Level	3,613.00	3,775.00		
Fund Sources: General.....	$153,525,069	~~$153,981,240~~ *$154,030,571*		
Special.....	$148,928,973	$146,409,129		
Dedicated Special Revenue.....	$116,129,187	$115,719,762		

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	Federal Trust	$152,028,520	$158,488,936		
293.	Not set out.				
294.	Not set out.				
	§ 1-22. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)				
295.	Pre-Trial, Trial, and Appellate Processes (32100)			$12,415,138	~~$12,335,627~~ *$13,006,194*
	Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107)	$12,415,138	~~$12,335,627~~ *$13,006,194*		
	Fund Sources: General	$12,415,138	~~$12,335,627~~ *$13,006,194*		

Authority: § 37.2-809, Code of Virginia.

A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107), may be transferred between Items 42, 43, 44, and 295 as needed, to address any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

B. Out of this appropriation, payments may be made from the Involuntary Mental Commitment Fund to licensed health care providers for medical screening and assessment services provided to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of Virginia.

295.10. Not set out.

296.	Children's Health Insurance Program Delivery (44600)			$133,634,267	~~$144,862,002~~ *$141,238,863*
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602)	$133,634,267	~~$144,862,002~~ *$141,238,863*		
	Fund Sources: General	$30,955,895	~~$34,631,511~~ *$33,363,412*		
	Dedicated Special Revenue	$15,816,098	$16,070,190		
	Federal Trust	$86,862,274	~~$94,160,301~~ *$91,805,261*		

Authority: Title 32.1, Chapter 13, Code of Virginia.

A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the Comptroller.

B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.

C.

2. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program. To the extent that appropriations in this Item are insufficient, the Director, Department of Planning and Budget shall transfer general fund appropriations from Items 297 and 299 into this Item, to be used as state match

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for federal Title XXI funds.

D. Effective July 1, 2009, the Department of Medical Assistance Services shall have the authority to amend the Family Access to Medical Insurance Security Plan and related regulations to expand medical coverage to pregnant women who are over the age of 19 who are ineligible for Medicaid and have annual family income less than or equal to 200 percent of the Federal Poverty Level and to simplify the administration of the premium assistance program available to families with children eligible for FAMIS who have access to an employer-sponsored health insurance program. The medical coverage period shall apply to a woman during her pregnancy and extend no longer than the end of the month in which her 60-day postpartum period ends. Services provided during this coverage period shall include all services in the FAMIS State Plan with the exception of the Early Periodic Screening Diagnosis and Treatment Program. The department will continue to ensure the cost effectiveness of the premium assistance program.

E. The Department of Medical Assistance Services shall have the authority to provide eligibility in the Family Access to Medical Insurance Security (FAMIS) Plan to infants born to mothers enrolled in FAMIS, for the month of birth plus two additional months, even if eligibility is not yet established for the newborn. If federal funds are not available for those months of eligibility, the department shall use state funding. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

F. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

H. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

I. In order to maintain coverage of pregnant women to 200 percent of the Federal Poverty Level (FPL) in reaction to federal directives in the Children's Health Insurance Program Reauthorization Act (CHIPRA), the Department of Medical Assistance Services shall have authority to amend the Title XIX State Plan for Medical Assistance, the Virginia Plan for Title XXI, and/or Virginia's FAMIS MOMS waiver as necessary to provide coverage in the most cost effective manner allowed. Specifically, if required by the Centers for Medicare and Medicaid Services (CMS), the department shall have authority to extend coverage to pregnant women and their newborns, with income above 133 percent of the Federal Poverty Level (FPL) through 185 percent FPL, who have other insurance. The department shall have authority to promulgate emergency regulations to implement this amendment effective July 1, 2010.

J. The Department of Medical Assistance Services shall have authority to amend the Virginia State Plan for Title XXI of the Social Security Act and the Virginia Health Insurance Flexibility and Accountability (HIFA) Waiver to require that Family Access to Medical Insurance Security (FAMIS) and FAMIS MOMS applicants and enrollees furnish their Social Security numbers as a condition of eligibility in order to have citizenship and identity verified by the Social Security Administration, unless the applicant is otherwise exempt from this requirement. The department shall have the authority to implement this change prior to the completion of any regulatory process undertaken in order to effect such change.

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K. Out of this appropriation the dedicated special fund appropriation for Children's Health Insurance Program Delivery includes $1,750,471 the first year and $2,004,563 the second year from the Virginia Health Care Fund.

L. The Department of Medical Assistance Services is directed to develop enrollment and retention provisions, consistent with those outlined in Section 104 of the Children's Health Insurance Program (CHIP) Reauthorization Act of 2009, P.L. 111-3, and implement provisions determined to be budget-neutral, cost-effective or that would lead to an award of a CHIP performance bonus.

297. Medicaid Program Services (45600)			$7,160,120,878	~~$7,139,707,037~~ *$6,973,579,404*
~~Reimbursements to State-Owned Mental Health and Mental Retardation Facilities (45607)~~	$224,399,339	$263,128,981		
Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607)				
~~Reimbursements for Mental Health and Mental Retardation Services (45608)~~	$598,893,173	~~$627,627,297~~		
Reimbursements for Mental Health and Intellectual Disability Services (45608)		*$649,700,120*		
Reimbursements for Professional and Institutional Medical Services (45609)	$4,351,704,930	~~$4,168,256,945~~ *$3,912,061,731*		
Reimbursements for Long-Term Care Services (45610)	$1,985,123,436	~~$2,080,693,814~~ *$2,148,688,572*		
Fund Sources: General	$2,700,712,247	~~$3,346,720,741~~ *$3,234,635,900*		
Dedicated Special Revenue	$285,993,227	~~$297,592,267~~ *$281,579,144*		
Federal Trust	$4,173,415,404	~~$3,495,394,029~~ *$3,457,364,360*		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-87, as amended, Title XIX, Social Security Act, Federal Code.

A. It is the intent of the General Assembly to develop and cause to be developed appropriate, fiscally responsible methods for addressing the issues related to the cost and funding of long-term care. It is the further intent of the General Assembly to promote home-based and community-based care for individuals who are determined to be in need of nursing facility care.

B.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for medical assistance.

2. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.

C. The appropriation includes $90,410,493 the first year from the general fund and $133,988,844 from the federal trust fund and $131,564,490 the second year from the general fund and $131,564,490 from the federal trust fund for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item

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is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

E.1. Included in this appropriation is $63,991,631 from the general fund and $72,805,362 from nongeneral funds in the first year and ~~$69,559,795~~ *$70,540,096* from the general fund and ~~$78,727,642~~ *$79,707,943* from nongeneral funds in the second year to reimburse the Virginia Commonwealth University Health System for indigent health care costs. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the Virginia Commonwealth University Health System shall certify the public expenditure. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage established under the American Recovery and Reinvestment Act, the reduction of $4,445,409 from the general fund the first year shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

2. Included in this appropriation is $38,212,827 from the general fund and $43,475,976 from nongeneral funds in the first year and ~~$41,568,366~~ *$40,331,858* from the general fund and ~~$47,046,997~~ *$45,810,489* from nongeneral funds in the second year to reimburse the University of Virginia Health System for indigent health care costs. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the University of Virginia University Health System shall certify the public expenditure. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage established under the American Recovery and Reinvestment Act, the reduction of $2,654,591 from the general fund the first year shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

F. The department shall establish a program to more effectively manage those Medicaid recipients who receive the highest cost care. To implement the program, the department shall establish uniform criteria for the program, including criteria for the high cost recipients, providers and reimbursement, service limits, assessment and authorization limits, utilization review, quality assessment, appeals and other such criteria as may be deemed necessary to define the program. The department shall seek any necessary approval from the Centers for Medicare and Medicaid Services, and shall promulgate such regulations as may be deemed necessary to implement this program.

G. The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget by December 15 each year.

H. The Department of Medical Assistance Services shall implement continued enhancements to the prospective drug utilization review (pro-DUR) program. The department shall continue the Pharmacy Liaison Committee and the pro-DUR Committee. The department shall continue to work with the Pharmacy Liaison Committee to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall report on the Pharmacy Liaison Committee's and the pro-DUR Committee’s activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.

I. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.

J. The Department of Medical Assistance Services shall not require dentists who agree to

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participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.

K. It is the intent of the General Assembly that the use of the new atypical medications to treat seriously mentally ill Medicaid recipients should be supported by the formularies used to reimburse claims under the Medicaid fee-for-service and managed care plans.

L.1. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its MEDALLION waiver and its Medallion II waiver.

2. In order to conform the state regulations to the federally approved changes and to implement the provisions of this act, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. The department shall implement these necessary regulatory changes to be consistent with federal approval of the waiver changes.

M. The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Comprehensive Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Virginia Department for the Aging, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.

N. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph M of this Item. However, prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the above plan by the Secretary.

O. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Comprehensive Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.

P.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.

2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall

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recommend to the Department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.

b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.

3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the Committee.

4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.

5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.

6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.

7. The Department of Medical Assistance Services shall (i) exempt antidepressant, antianxiety and antipsychotic medications used for the treatment of mental illness from the Medicaid Preferred Drug List program; (ii) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (iii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels. The department shall report on the utilization and cost of drugs exempted under the provisions of this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2010.

Q. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the

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Federal Financial Participation by the department.

R. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

S.1. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to modify the reimbursement methodology used to reimburse for generic drug products. The new methodology shall reimburse for the product cost based on a Maximum Allowable Cost list to be established by the department. Such amendments shall be effective within 280 days or less from the enactment of this act.

2. In developing the maximum allowable cost (MAC) reimbursement rate for generic pharmaceuticals, the department shall: (i) if publicly available, publish the factors used to set state MAC rates, including the identity of the reference product used to set the MAC rate; the GCN number of the reference product; the factor by which the MAC rate exceeds the reference product price, which shall be not less than 110 percent of the lowest-published wholesale acquisition cost for products widely available for purchase in the state, and included in national pricing compendia; and the identity and date of the published compendia used to determine the reference product and set the MAC rate; (ii) identify three different suppliers that are able to supply the product and from whom pharmacies are able to purchase sufficient quantities of the drug. The drugs considered must be listed as therapeutically and pharmaceutically equivalent in the FDA's most recent version of the "Orange Book"; (iii) identify that the use of a MAC rate is lower than the Federal Upper Limit (FUL) for the drug, or the development of a MAC rate that does not have a FUL will not result in the use of higher-cost innovator brand name or single source drugs in the Medicaid program; and (iv) distribute the list of state MAC rates to pharmacy providers in a timely manner prior to the implementation of MAC rates and subsequent modifications.

3. The department shall: (i) review and update the list of MAC rates at least quarterly; (ii) implement and maintain a procedure to eliminate products from the list, or modify MAC rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow a dispensing provider to contest a listed MAC rate.

4. The department shall conduct an analysis of the fiscal impact of the implementation of "Average Manufacturer Price" (AMP), as required by the federal Deficit Reduction Act of 2005, Public Law 109-171. Upon the later of April 15, 2008, or 90 days after the effective date of the regulation that the United States Secretary of Health and Human Services must promulgate under Section 6001(c)(3) of the 'Deficit Reduction Act of 2005,' Pub. L. No. 109-171, the department shall report to the Governor and the chairmen of the Senate Finance and House Appropriations Committees the amount of savings anticipated in the Medicaid Forecast as a result of this change in federal law. In the event that anticipated pharmacy savings exceed the amount of savings assumed in the Medicaid Forecast, the department shall make recommendations concurrently with the report regarding the adjustment of pharmacy dispensing fees based on the impact of changes in local pharmacy reimbursements.

T.1. The estimated revenue for the Virginia Health Care Fund is $287,743,698 the first year and ~~$299,596,830~~ *$283,583,707* the second year, to be used pursuant to the uses stated in §32.1-367, Code of Virginia.

2. Notwithstanding §32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in §3.2-3100, Code of Virginia, to the Virginia Health Care Fund.

3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the

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Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care Fund.

4. Out of this appropriation, the dedicated special fund appropriation for Medicaid Program Services includes $285,993,227 the first year and ~~$297,592,267~~ *$281,579,144* the second year from the Virginia Health Care Fund.

5. Out of the amounts estimated in paragraph T.1., $1,750,471 the first year and $2,004,563 the second year is appropriated in Item 296 to be used as state match for the Children's Health Insurance Program.

U. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.

V. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement, shall identify and initiate third party recovery actions where there is a medical support order requiring a noncustodial parent to contribute to the medical cost of a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs.

W.1. Within the limits of this appropriation, the Department of Medical Assistance Services shall work with its contracted managed care organizations and fee-for-service health care providers to: (i) raise awareness among the providers who serve the Medicaid population about the health risks of chronic kidney disease; (ii) establish effective means of identifying patients with this condition; and (iii) develop strategies for improving the health status of these patients. The department shall work with the National Kidney Foundation to prepare and disseminate information for physicians and other health care providers regarding generally accepted standards of clinical care and the benefits of early identification of individuals at highest risk of chronic kidney disease.

2. Effective July 1, 2006, the department shall request any clinical laboratory performing a serum creatinine test on a Medicaid recipient over the age of 18 years to calculate and report to the physician the estimated glomerular filtration rate (eGFR) of the patient and shall report it as a percent of kidney function remaining.

X. The Director, Department of Planning and Budget is authorized to transfer amounts, as needed, from Medicaid Program Services (program 45600) to Administrative and Support Services (program 49900) to fund administrative expenditures associated with contracts between the Department of Medical Assistance Services and companies providing disease state and chronic care management programs services for Medicaid recipients.

Y.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.

2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. Once a final agency case

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decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.

Z. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.

AA.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.

2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.

3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.

4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.

5. The department shall report on savings and quality improvements achieved through the implementation measures for the specialty drug program to the Chairmen of the House Appropriations and Senate Finance Committees, the Joint Commission on Health Care, and the Department of Planning and Budget by November 1 of each year.

6. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.

BB. The Department of Medical Assistance Services shall work with representatives of the nursing home provider associations to develop a revised cost-reporting methodology which improves the timeliness and efficiency of the current process. A specific goal of such an enhanced process would be to decrease by one year the look-back period used within the biennial cost ceiling rebase determination.

CC. The Department of Medical Assistance Services shall have the authority to amend the State Plan of Medical Assistance Services, the Virginia Plan for Title XXI of the Social Security Act and the Family Access the Medical Insurance Security Plan to implement modifications to the Medicaid program to comply with the mandated provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009. This authorization shall apply only to those provisions the states are required to implement within 280 days of enactment of this Appropriation Act. The department shall have the authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect this provision. The department shall notify the Chairmen of the House Appropriations and Senate Finance Committees no less than 30 days prior to the submission of amendments to the State Plan of Medical Assistance Services.

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DD. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall develop a long-range blueprint for the development and implementation of an integrated acute and long-term care system. This plan shall: (i) explain how the various community and state level stakeholders will be involved in the development and implementation of the new program model(s); (ii) describe the various steps for development and implementation of the program model(s), including a review of other states' models, funding, populations served, services provided, education of clients and providers, and location of programs; (iii) describe how the existing system is funded and how integration will impact funding; and (iv) describe the evaluation methods that will be used to ensure that the program provides access, quality, and consumer satisfaction.

EE. The Department of Medical Assistance Services shall implement one or more Program for All Inclusive Care for the Elderly (PACE) programs.

FF. The Department of Medical Assistance Services shall amend its State Plan for Medical Assistance Services to develop and implement a regional model for the integration of acute and long-term care services. This model would be offered to elderly and disabled clients on a mandatory basis. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

GG.1. The Director, Department of Medical Assistance Services shall seek the necessary waiver from the United States Centers for Medicare and Medicaid Services to expand eligibility for Medicaid coverage of family planning services to individuals with a family income up to 133 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The Department of Medical Assistance Services shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

2. The Department of Medical Assistance Services shall, if feasible and consistent with federal requirements, seek the necessary waiver from the Centers for Medicare and Medicaid Services to expand eligibility for Medicaid coverage of family planning services to individuals with a family income above 133 percent of the federal poverty level up to an eligibility level that will not compromise federal budget neutrality for the waiver, but not to exceed 200 percent of the federal poverty level.

HH.1. Contingent upon approval by the Centers for Medicare and Medicaid Services as part of the Money Follows the Person demonstration grant, the Department of Medical Assistance Services shall seek federal approval for necessary changes to home and community-based 1915(c) waivers to allow individuals transitioning from institutions to receive care in the community. The Department of Medical Assistance Services shall promulgate any necessary emergency regulations within 280 days or less from the enactment date of this act.

2. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add up to 30 new slots (up to 15 each fiscal year) and the Intellectual Disabilities (ID) Waiver to add up to 220 new slots (up to 110 each fiscal year) which will be reserved for individuals transitioning out of institutional settings through the Money Follows the Person Demonstration. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD and ID waiver applications to add the additional slots.

II. The Department of Medical Assistance Services shall have the authority to amend the managed care waiver to allow the department to enroll adoption assistance recipients into managed care organizations as defined in 12 VAC 30-120-360 through 12 VA 30-120-420. In addition, the department shall have the authority to amend the State Plans for Titles XIX (Medical Assistance) and XXI (Family Access to Medical Insurance Security Plan - FAMIS) of the Social Security Act, as required by applicable statute and regulations to provide managed care services to adoption assistance recipients. The Department of Medical Assistance Services shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

JJ. The Department of Medical Assistance Services shall be authorized, in collaboration with the Virginia Commonwealth University Health System (VCUHS), to seek a waiver from the Centers for Medicare and Medicaid Services (CMS) to permit use of Disproportionate Share

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Hospital (DSH) funds to allow the VCUHS (Hospital and Physician Practice) to continue the existing partnership with community physicians and with any community hospitals who are providing less costly health care services to eligible indigent patients for VCUHS. As part of the waiver application process the parties shall develop estimates of the cost of the program to the state and federal governments, and shall report the findings to the Governor and to the Chairman of the House Appropriations and the Senate Finance Committees. If the Director, Department of Planning and Budget, determines that the waiver program would not require additional state funds, the program shall be implemented upon receiving CMS approval. If additional state funding is needed, the program shall not be implemented until such funding is authorized through the budget process.

KK. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

LL. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its managed care waiver to limit the Primary Case Management program to localities of the state with only one participating managed care organization. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

MM. Effective July 1, 2009, the department shall have the authority to amend the State Plan for Medical Assistance to eliminate reimbursement for hospital acquired conditions in a manner similar to the Medicare initiative implemented October 1, 2008. The department shall have the authority to implement this reimbursement change effective July 1, 2009, and prior to the completion of any regulatory process undertaken in order to effect such change. The department shall also revise its medical necessity criteria to be consistent with Medicare national coverage determinations as part of the overall Medicare initiative.

NN.1. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Notwithstanding paragraph NN.1. in this Item, the department shall pay, in the last quarter of the first year, the last quarterly hospital payment amounts of that year that are for Indirect Medical Education and Direct Medical Education. Disproportionate Share Hospital payments shall be paid as directed in paragraph NN.1.

OO.1. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Notwithstanding paragraph OO.1. in this Item, the department shall pay in June of 2011 the monthly capitation payment to managed care organizations for the member months of June 2011.

PP. 1. In every June the remittance that would normally be paid to providers on the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Notwithstanding paragraph PP.1. in this Item, the department shall pay the final remittance of June 2011 in the first year.

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3. The Department of Planning and Budget is authorized to transfer amounts, as needed, between this Item and Items 295, 296, and 299 to address the changes in appropriation necessary to fund the programs impacted by a suspension of the final weekly remittance payment delay as required in paragraph PP. of this Item.

QQ. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the Mental Retardation Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this act.

RR. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with local Healthy Families sites so that qualifying funds may be used at the discretion of each site for obtaining matching nongeneral funds when available.

SS. The Department of Medical Assistance Services shall provide information to personal care agency providers regarding the options available to meet staffing requirements for personal care aides including the completion of provider-offered training or DMAS Personal Care Aide Training Curriculum.

TT. The Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services in order to comply with the payor of last resort requirements of Part C of the Individuals with Disabilities Education Act (IDEA) of 2004. The Department of Medical Assistance Services shall promulgate regulations to become effective within 280 days or less from the enactment date of this act. The department shall implement these necessary regulatory changes to be consistent with federal requirements for the Part C program.

UU. The Department of Medical Assistance Services shall impose an assessment equal to 5.5 percent of revenue on all ICF-MR providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment. The department shall implement this change effective July 1, 2011, or on the earliest date thereafter when it is determined that such change will not jeopardize the increased Federal Medical Assistance Percentage established under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) and any extension thereof through subsequent federal legislation.

VV. The Department of Medical Assistance Services shall eliminate supplemental coverage of regular and intensive assisted living services. The department shall implement this change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

WW. The Department of Medical Assistance Services shall amend certain 1915 (c) home-and-community based waivers and the Children's Mental Health demonstration grant to decrease the annual respite care hours from 720 to 480. The 1915 (c) waivers shall include the Alzheimer's Assisted Living, Day Support, Elderly or Disabled with Consumer Direction, Individual and Family Developmental Disabilities Support, Intellectual Disabilities, and HIV/AIDs Waivers. The department shall implement this change effective July 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change.

XX. The Department of Medical Assistance Services shall amend the Children's Mental Health demonstration grant program eligibility requirements in order to permit a child to be evaluated as a separate assistance unit of one, regardless of whether the child is living in the home with a parent or guardian, or siblings. The department shall implement this change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

YY. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

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ZZ.1. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, and paragraph ZZ.2. of this item, the Department of Medical Assistance Services shall not add any slots under the Mental Retardation Medicaid Waiver (now referred to as the Intellectual Disabilities Waiver) or the Individual and Family Developmental Disabilities and Support Medicaid Waiver in either the first or second year, other than those slots authorized to specifically support the Money Follows the Person Demonstration or individuals who are exiting Southeastern Virginia Training Center or other state institutions.

2. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the Department of Medical Assistance Services shall amend the 1915 (c) home- and community-based Intellectual Disabilities waiver to add 250 slots effective July 1, 2010 to address the community waiting list. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

3. The Department of Medical Assistance Services shall amend the 1915 (c) home- and community-based Intellectual Disabilities waiver to add 30 waiver slots for Medicaid recipients who are exiting Southeastern Virginia Training Center according to the following schedule: 15 waiver slots effective July 1, 2010 and 15 additional waiver slots effective July 1, 2011.

4. The Department of Medical Assistance Services shall amend the 1915 (c) home- and community-based Intellectual Disabilities waiver to add 275 slots effective July 1, 2011.

5. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add 150 new slots effective July 1, 2011. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD applications to add the additional slots.

AAA.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate the incentive plan for long-stay hospitals. The department shall also eliminate the inflation increase for rates in FY 2011 and FY 2012 and freeze ceilings in FY 2011 and FY 2012 at the same level as the ceilings for long stay hospitals with fiscal year ends of June 30, 2010. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year amounts reduced in this paragraph related to elimination of the incentive plan shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

2. No additional changes shall be made to the incentive plan effective October 1, 2010.

BBB.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to make the following changes:

a. Rebase hospital DRG weights, case rates, psych and rehab per diem rates except that 2008 base year costs shall only be increased 2.58 percent. Operating rates in FY 2012 shall not be increased by inflation. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this limitation on base year cost increases unless the provider is able to transfer the state share or certify the public expenditures.

b. Revise the inpatient hospital Medicaid utilization percent from 15 percent to 14 percent to determine DSH eligibility and rebase regular DSH reimbursement for all hospitals but reduce the final calculation by a uniform percentage such that total expenditures in FY 2011 do not exceed expenditures in FY 2010 separately for Type 1 and Type 2 hospitals. The department shall calculate the reduction after implementing other changes to DSH eligibility. DSH payments in FY 2012 shall not be increased by inflation.

c. Eliminate the FY 2011 and FY 2012 adjustments for inflation for graduate medical education per resident amounts. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this limitation on base year cost increases unless the provider is able to transfer the state share or certify the public expenditures.

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2. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

CCC. Effective July 1, 2010, through June 30, 2012, the Department of Medical Assistance Services shall freeze rates for freestanding psychiatric hospitals at the FY 2010 level. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

DDD.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to make the following changes:

a. Eliminate the adjustment for inflation of nursing facility and specialized care operating rates for days of service in fiscal year 2011 and fiscal year 2012 and to freeze nursing facility and specialized care ceilings in fiscal year 2011 and fiscal year 2012 at the same level as the ceilings for nursing facilities with fiscal years end of June 30, 2010.

b. Further reduce nursing facility direct and indirect care payment rates and specialized care operating rates by three percent below the rates that otherwise would have been in effect after application of paragraph DDD.1.a. in fiscal year 2011 .

c. Provide that the floor for the nursing facility FRV "rental rate" shall be 8.75 percent in fiscal year 2011 and 8.0 percent in fiscal year 2012.

2. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reductions in paragraph DDD.1.b. and paragraph DDD.1.c. shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

EEE.1. Effective July 1, 2010, the Department of Medical Assistance Services shall not adjust rates or the rate ceiling of residential psychiatric facilities for inflation.

2. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce reimbursements to residential psychiatric facilities to achieve an additional savings in the first year of $1,321,092 general fund and $1,667,128 nongeneral fund and in the second year of $1,985,800 general fund and $1,985,800 nongeneral fund. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in paragraph EEE.2. shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

FFF. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate the FY 2011 and FY 2012 inflation adjustment for home health agencies. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

GGG. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate the FY 2011 and FY 2012 inflation adjustment for outpatient rehabilitation agencies. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

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MMM.1. Effective July 1, 2010 through Jun 30, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate additional Indirect Medical Education (IME) payments based on NICU utilization (described in 12 VAC 30-70-291.D), except for hospitals with greater than 50 percent overall Medicaid utilization, or NICU days (described in 12 VAC 30-70-291.E). The amount of IME to be apportioned among the remaining hospitals that qualify under 12 VAC 30-70-291.D shall be $1,900,000 total funds the first year. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance governing Medicaid reimbursements for hospitals to provide an increase in Indirect Medical Education payments for non-state owned hospitals that have Medicaid Neonatal Intensive Care Unit (NICU) utilization greater than 4,500 Medicaid NICU inpatient days using base year 2003 data, as reported to the Department as of March 1, 2005. Out of this appropriation, $250,000 from the general fund and $250,000 from nongeneral funds the second year shall be provided for this purpose. The department shall have the authority to implement this reimbursement change effective July 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change.

3. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide for an additional IME payment not to exceed $200,000 for all Type Two hospitals who had Medicaid NICU utilization in excess of 50 percent as reported to the Department as of March 1, 2004, have total Medicaid utilization under 50 percent and who do not otherwise receive an additional IME payment. The department shall have the authority to implement this reimbursement change effective July 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change.

4. Freestanding children's hospitals are not eligible for the Indirect Medical Education payments included in subparagraphs 2 and 3.

NNN.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce the rates for home and community based care waiver services by five percent, except for skilled nursing rates for services delivered to recipients in the Technology Assisted Waiver. Other than the specific exemption above, these rate reductions apply to these services whether provided to waiver recipients or to any other Medicaid or FAMIS eligible individuals.

2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce the rates for home and community-based care waiver services by one percent below the rates effective October 1, 2010, except for skilled nursing rates for services delivered to recipients in the Technology Assisted Waiver. Other than the specific exemption above, these rate reductions apply to these services whether provided to waiver recipients or to any other Medicaid or FAMIS eligible individuals.

QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish annual limits for adult rehabilitation services, including physical therapy, occupational therapy, and speech therapy, provided in all settings by all providers for which states have discretion under applicable federal law. The department shall have authority to promulgate regulations to become effective within 280 days or less from the enactment date of this act.

SSS. The Department of Medical Assistance Services shall amend the State Plan for Medical

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Assistance to decrease the maximum reimbursement for pharmaceutical products to the Average Wholesale Price minus 13.1 percent. Such amendment shall become effective July 1, 2010. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

TTT.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish a threshold for out-of-state cost reporting hospitals to qualify for disproportionate share hospital payments. In addition to meeting all other requirements, out-of-state cost reporting hospitals must have Virginia Medicaid utilization in the base year of at least 12 percent of total Medicaid days. Out-of-state cost reporting hospitals that do not meet the 12 percent threshold shall be compensated at 50 percent of the rate that they otherwise would have received under the current payment methodology as modified in this Act. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish a threshold for out-of-state cost reporting hospitals to qualify for indirect medical education payments. In addition to meeting all other requirements, out-of-state cost reporting hospitals must have Virginia Medicaid utilization in the base year of at least 12 percent of total Medicaid days. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

UUU. Effective July 1, 2010, the Department of Medical Assistance Services (DMAS) shall amend the State Plan for Medical Assistance to modify reimbursement for Durable Medical Equipment (DME) to:

a. Reduce reimbursement for DME that has a Durable Medical Equipment Regional Carrier (DMERC) rate from 100 percent of Medicare reimbursement level to 90 percent of the Medicare level.

b. Reduce fee schedule rates for DME and supplies by category-specific amounts as recommended in the November 1, 2009, Report on Durable Medical Equipment Reimbursement to the Senate Finance and House Appropriations Committees. The Department of Medical Assistance Services shall also modify the pricing of incontinence supplies from case to item, which is the industry standard.

c. Establish rates for additional procedure codes where benchmark rates are available.

d. Reimburse at cost plus 30 percent for any item not on the fee schedule. Cost shall be no more than the net manufacturer's charge to the provider, less shipping and handling.

e. Determine alternate pricing for any code that does not have a rate.

f. Limit service day reimbursement to intravenous and oxygen therapy equipment.

2. The department shall promulgate regulations to implement this amendment within 280 days or less from the enactment of this act. *The department shall implement these reimbursement changes prior to the completion of the regulatory process.*

VVV. The Department of Medical Assistance Services (DMAS) shall have the authority to modify reimbursement for Durable Medical Equipment for incontinence supplies based on competitive bidding subject to approval by the Centers for Medicare and Medicaid Services (CMS). The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this act.

WWW. Effective July 1, 2010, the Department of Medical Assistance Services (DMAS) shall amend the State Plan for Medical Assistance to modify the limit on incontinence supplies prior to requiring prior authorization. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

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XXX. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services and the Virginia Association of Community Services Boards to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.

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ZZZ. Effective January 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reimburse out-of-state non-cost reporting hospitals who treat Virginia Medicaid recipients inpatient operating rates that are the lesser of: (i) the amount they would be reimbursed by their state Medicaid program; or (ii) the current payment based on the statewide average operating rate. The department shall have the authority to implement this change effective January 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change. If there is an extension through June 30, 2011, of increased Federal Medical Assistance Percentage under the American Recovery and reinvestment Act (P.P. 111-5), the change authorized in this paragraph shall become effective July 1, 2011.

AAAA.1. Effective July 1, 2010, the hospital adjustment factor for acute care and rehabilitation inpatient services for Type Two hospitals shall be 75 percent of cost and the adjustment factor for psychiatric inpatient hospital services for Type Two hospitals shall be 81 percent of cost. Corresponding changes shall be made to the hospital adjustment factors for Type One hospitals. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

4. No additional changes shall be made to adjustment factors effective October 1, 2010.

BBBB.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce reimbursement for hospital outpatient services from 80 percent of cost to 77 percent of cost for Type Two hospitals and from 94.2 percent of operating cost to 91.2 percent and from 90 percent of capital cost to 87 percent for Type One hospitals. The department shall not replace through other payment mechanisms the losses Type One hospitals experience from this reduction unless the provider is able to transfer the state share or certify the public expenditures. The department shall have the authority to implement these reimbursement changes effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change."

2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce reimbursement for hospital outpatient services from 77 percent of cost to 76 percent of cost for Type Two hospitals and from 91.2 percent of operating cost to 90.2 percent and from 87 percent of capital cost to 86 percent for Type One hospitals. The department shall not replace through other payment mechanisms the losses Type One hospitals experience from this reduction unless the provider is able to transfer the state share or certify the public expenditures.

3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

CCCC.1. Effective July 1, 2010, the Department shall reduce by 3 percent rates determined under RBRVS in 12 VAC 30-80-190 at the same time as the annual update.

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2. Effective July 1, 2011, the Department shall calculate the annual update to rates determined under RBRVS in 12 VAC 30-80-190 as if the reduction in subparagraph 1 had not been taken. The department shall have the authority to implement these reimbursement changes effective July 1, 2011, and prior to the completion of any regulatory process undertaken in order to effect such change.

3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

DDDD.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce the rates for dental services by 3.0 percent.

3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

4. No additional changes shall be made to dental rates effective October 1, 2010.

EEEE.1. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to decrease the dispensing fee paid to pharmacists from $3.75 to $3.50 per prescription per month. Such amendments to the State Plan shall become effective July 1, 2011.

2. No additional changes shall be made to the dispensing fee effective October 1, 2010.

GGGG. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reductions in paragraph WW., HHH., III., JJJ., KKK., LLL. and NNN. shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK in this item.

HHHH.1. Effective July 1, 2010, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reduce hospital capital reimbursement from 75 percent of cost to 72 percent of cost for Type Two hospitals, except that Type Two Hospitals with greater than 50 percent Virginia Medicaid utilization shall be reduced from 80 percent of cost to 77 percent of cost, and from 100 percent of cost to 97 percent of cost for Type One hospitals. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures. The department shall have the authority to implement this reimbursement change effective July 1, 2010, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reduce hospital capital reimbursement from 72 percent of cost to 71 percent of cost for Type Two hospitals, except that Type Two Hospitals with greater than 50 percent Virginia Medicaid utilization shall be reduced from 77 percent of cost to 76 percent of cost, and from 97 percent of cost to 96 percent of cost for Type One hospitals. The department shall not replace through other payment mechanisms the losses of Type One hospitals from this reduction unless the provider is able to transfer the state share or certify the public expenditures.

3. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction in this paragraph shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

IIII. Effective July 1, 2011, the Department of Medical Assistance Services shall retain five

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percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services. This reimbursement will cover the department's costs in assisting school divisions in submitting cost reports.

JJJJ.1. Effective July 1, 2010, the Department of Medical Assistance Services shall reduce rates for mental health therapeutic day treatment services by three percent and require prior authorization of services. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction in paragraph JJJJ1. shall not become effective. This contingent appropriation is subject to the provisions of paragraph KKKK. in this Item.

2. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce rates for mental health therapeutic day treatment services by four percent below the rates in effect on June 30, 2010.

KKKK. The Governor shall have authority to direct that the reduction or funding, contingent on an extension through June 30, 2011, of increased Federal Medical Assistance Percentage, be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding available from an extension of the increased Federal Medical Assistance Percentage.

LLLL.1. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to establish a supplemental physician payment for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in FY 2009 based on the difference between the upper payment limit approved by the Centers for Medicare and Medicaid Services minus $400,000 and the reimbursement otherwise payable to physicians effective July 1, 2011. The department shall have the authority to implement these reimbursement changes effective July 1, 2011, and prior to completion of any regulatory process undertaken in order to effect such change.

MMMM.1. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:

a. In fulfillment of this Item, the department may seek any necessary federal authority through amendment to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to expand the current managed care program, Medallion II, to the Roanoke/Alleghany area by January 1, 2012, and far Southwest Virginia by July 1, 2012. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

b. In fulfillment of this Item, the department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to allow, on a pilot basis, foster care children, under the custody of the City of Richmond Department of Social Services, to be enrolled in Medicaid managed care (Medallion II) effective July 1, 2011. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

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c. In fulfillment of this item, the department may seek federal authority to implement a care coordination program for Elderly or Disabled with Consumer Direction (EDCD) waiver participants effective October 1, 2011. This service would be provided to adult EDCD waiver participants on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

d. In fulfillment of this item, the department may seek federal authority through amendments to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow individuals enrolled in Home and Community Based Care (HCBC) waivers to also be enrolled in contracted Medallion II managed care organizations for the purposes of receiving acute and medical care services ~~effective January 1, 2012~~. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

e. In fulfillment of this item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:

1. Improves value so that there is better access to care while improving equity.

2. Engages consumers as informed and responsible partners from enrollment to care delivery.

3. Provides consumer protections with respect to choice of providers and plans of care.

4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.

5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.

6. Improves quality, individual safety, health outcomes, and efficiency.

7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.

8. Builds upon current best practices in the delivery of behavioral health services.

9. Accounts for local circumstances and reflects familiarity with the community where services are provided.

10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.

11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.

12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.

13. Promotes availability of access to vital supports such as housing and supported employment.

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14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.

15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.

16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.

17. Provides actionable data and feedback to providers.

18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.

f. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in Paragraph e, for individuals in need of behavioral health services not currently provided through managed care to be effective July 1, 2012. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

g. The department may seek the necessary waiver(s) and/or State Plan authorization under Title XIX of the Social Security Act to develop and implement a care coordination model for individuals dually eligible for services under both Medicare and Medicaid ~~to be effective April 1, 2012~~. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

h. In fulfillment of this item, the department may seek the federal authority through amendment to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow for the implementation of a Health Home Program for Chronic Kidney Disease utilizing available funding included in the Patient Protection and Affordable Care Act of 2010 to be effective May 1, 2012. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

NNNN. Effective July 1, 2011, the Department of Medical Assistance Services shall have the authority to amend the State Plan under Title XIX of the Social Security Act to eliminate the five dollar per month/per member unit dose fee for members residing in a nursing facility. The department shall have the authority to implement this change prior to the completion of any regulatory process undertaken in order to effect such change.

OOOO.1. Effective July 1, 2011, the Department of Medical Assistance Services shall amend the State Plans under Title XIX and XXI of the Social Security Act to develop five regional pilot programs in coordination with community services boards or behavioral health authorities to improve the care of children who are in need of community mental health rehabilitative services, ensure appropriate utilization of services, measure outcomes and increase the cost effectiveness of services provided. The pilot programs shall be established in regions with high utilization of such services, as defined by service volume and expenditures. The pilot programs shall include provisions for children to be evaluated by a licensed or licensed-eligible mental health professional of the community services boards or behavioral health authorities in order to access community mental health rehabilitative services. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

2. The Director, Department of Planning and Budget is authorized to transfer amounts, as needed, from Medicaid Program Services (45600), Medical Assistance Services for Low Income Children (46600) and Children's Health Insurance Program Delivery (44600), to Administrative and Support Services (49900), to fund administrative expenditures associated with contracts between the department and community services boards and/or their organization providing assessment services for Medicaid and FAMIS recipients in need of community

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mental health rehabilitative services.

PPPP.1. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home and Therapeutic Day Treatment in order to implement new quality service model(s) for these services. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

2. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

3. No less than 30 days prior to implementing the changes authorized in this paragraph, the Director of Medical Assistance Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees the specific programmatic changes that will be made for intensive in-home and residential services including an estimate of the fiscal impact of the proposed changes.

QQQQ. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall seek federal authority to implement a cost neutral (relative to the current method) pricing methodology to modify or replace the current maximum reimbursement of Average Wholesale Price for pharmaceutical products as defined in 12 VAC 30-80-40. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

RRRR. The Department of Medical Assistance Services shall make programmatic changes to the recipient utilization (Client Medical Management) program in order ensure appropriate utilization, prevent abuse, and promote improved and cost efficient medical management of essential Medicaid client health care. The department shall consider all available options including, but not limited to, utilization review, program criteria, and client enrollment. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.

SSSS. The Department of Medical Assistance Services shall mandate that payment rates negotiated between participating Medicaid managed care organizations and out-of-network providers for emergency or otherwise authorized treatment shall be considered payment in full. In the absence of rates negotiated between the managed care organization and the out-of-network provider, these services shall be reimbursed at the Virginia Medicaid fees and/or rates and shall be considered payment in full. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

TTTT. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to specify that the documentation requirements for the signing and dating of medical records by health care providers shall be a mandatory condition of Medicaid reimbursement. The department shall have authority to promulgate emergency regulations to implement these changes within 280 days or less from the enactment date of this act.

UUUU. The Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to include early intervention case management. The Department of Medical Assistance Services shall promulgate regulations to become effective within 280 days or less from the enactment date of this act.

VVVV. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be transferred to the Virginia Health Care Fund. Beginning November 1, 2011 and each year thereafter, the Director of Medical Assistance Services shall report to the Chairmen of the

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House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors.

WWWW. The Department of Medical Assistance Services shall, contingent on federal approval, amend the Elderly and Disabled with Consumer Direction waiver to allow individuals in the waiver with special needs, who have a diagnosis of intellectual disability (ID), to receive respite services from a children's residential facility licensed for respite for children with ID. The department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. The department shall implement these changes to be consistent with federal approval of the waiver changes.

XXXX. Effective July 1, 2011, the Department of Medical Assistance Services shall reduce rates for Residential Level A and B services by 8 percent below the rates in effect on January 31, 2010.

YYYY. ~~Effective January 1, 2012, the~~ *The* Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to convert the current cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement methodology shall be implemented in a budget-neutral manner. The department shall have the authority to ~~implement this action effective January 1, 2012, and shall~~ promulgate regulations to become effective within 280 days or less from the enactment of this act.

AAAAA. The Department of Medical Assistance Services shall consult with representatives of providers of home- and community-based care services concerning audits of such providers, and shall evaluate the effectiveness and appropriateness of the audit methodology. The Department shall submit a report on this evaluation to the Governor and to the Chairmen of the House Appropriations Committee and the Senate Finance Committee by November 1, 2011.

BBBBB. The Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services, in consultation with appropriate stakeholders and national experts, shall research and work to improve and/or develop Medicaid waivers for individuals with intellectual disabilities and developmental disabilities that will increase efficiency and cost effectiveness, enable more individuals to be served, strengthen the delivery of person-centered supports, enable individuals with high medical needs and/or high behavioral support needs to remain in the community setting of their choice, and provide viable community alternatives to institutional placement. This initiative shall include a review of the current Intellectual Disabilities (ID), Day Support and Individual and Family Developmental Disabilities Supports (IFDDS) waivers to identify any improvements to these waivers that will achieve these same outcomes. The Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall report on the proposed waiver changes and associated costs to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2011.

CCCCC. The Department of Medical Assistance Services shall amend certain 1915 (c) home- and community-based waivers to cap agency and consumer directed personal care at 56 hours per week, 52 weeks per year, for a total of 2,920 hours per year. The 1915 (c) waivers shall include the Elderly or Disabled with Consumer Direction, and HIV/AIDS Waivers. The Department shall provide for individual exceptions to this limit using criteria based on dependency in activities of daily living, level of care, and taking into account the risk of institutionalization if additional hours are not provided. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

DDDDD. Notwithstanding Item 297 GG of this act, the department shall seek federal authority to move the family planning eligibility group from a demonstration waiver to the State Plan for Medical Assistance, effective April 2011. The department shall seek approval of coverage under this new state plan option for individuals with income up to 200 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

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EEEEE. Effective July 1, 2011, the Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

298. Not set out.

299. Medical Assistance Services for Low Income Children (46600)			$117,255,906	~~$130,987,018~~ *$115,425,885*
Reimbursements for Medical Services Provided to Low-Income Children (46601)	$117,255,906	~~$130,987,018~~ *$115,425,885*		
Fund Sources: General	$41,039,567	~~$45,845,456~~ *$40,399,060*		
Federal Trust	$76,216,339	~~$85,141,562~~ *$75,026,825*		

Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-87, as amended, Title XIX, Social Security Act, Federal Code.

To the extent that appropriations in this Item are insufficient, the Director, Department of Planning and Budget shall transfer general fund appropriation from Items 296 and 297, if available, into this Item, to be used as state match for federal Title XXI funds.

300. Administrative and Support Services (49900)			$108,298,721	~~$143,501,529~~ *$148,619,599*
General Management and Direction (49901)	$91,376,584	~~$126,579,392~~ *$131,697,462*		
Information Technology Services (49902)	$10,970,975	$10,970,975		
Administrative Support for the Family Access to Medical Insurance Security Plan (49932)	$5,951,162	$5,951,162		
Fund Sources: General	$36,393,775	~~$43,272,124~~ *$45,000,506*		
Special	$1,065,000	$1,065,000		
Federal Trust	$70,839,946	~~$99,164,405~~ *$102,554,093*		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-87, as amended, Title XIX, Social Security Act, Federal Code.

A. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

B. The Department of Medical Assistance Services shall submit expenditure reports of the Medicaid program in relation to the agency's actual appropriation to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. These reports shall be submitted on a quarterly basis.

C. Out of this appropriation, $50,000 the first year and $50,000 the second year from the special fund is appropriated to the Department of Medical Assistance Services for the administration of the disbursement of civil money penalties levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money

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penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with this provision.

D. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, mental retardation and substance abuse services, and any new or expanded mental health, mental retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, mental retardation and substance abuse services.

E. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

F. The Director, Department of Planning and Budget, is authorized to transfer amounts, as needed, from Medicaid Program Services (45600), Medical Assistance Services for Low Income Children (46600) and Children's Health Insurance Program Delivery (44600), to Administrative and Support Services (49900), to fund administrative expenditures associated with contracts between the department and companies providing dental benefit services for Medicaid and FAMIS recipients.

G.1. Out of this appropriation, $250,000 from the general fund and $250,000 from the federal trust fund in the first year and $250,000 from the general fund and $250,000 form the federal trust fund in the second year is provided for the additional audit costs of intensive in-home services.

2. The Department of Medical Assistance Services shall report to the Department of Planning and Budget, by September 1, of each year, the amount of savings achieved from the increased audits of intensive in-home services.

H. The Department of Medical Assistance Services shall mandate the electronic submission of claims for covered services rendered by participating providers in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act, and any waivers thereof, as well as the use of electronic funds transfer for the payment of such claims to providers. The department shall implement this requirement in a phased approach beginning with providers enrolling on or after October 1, 2011, with expansion to all existing providers by July 1, 2012. The department shall develop a process by which the individual circumstance of a provider may allow for exclusion from the electronic claims mandate without impact on participation, at the sole discretion of the department. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days from the enactment of this act.

Total for Department of Medical Assistance Services.....			**$7,532,546,612**	**~~$7,592,214,915~~** ***$7,412,691,647***
General Fund Positions.....	169.82	~~175.32~~ *176.32*		
Nongeneral Fund Positions.....	194.18	~~203.68~~		

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		204.68		
Position Level	364.00	~~379.00~~ *381.00*		
Fund Sources: General	$2,822,298,324	~~$3,483,587,161~~ *$3,367,186,774*		
Special	$1,065,000	$1,065,000		
Dedicated Special Revenue	$301,849,325	~~$313,702,457~~ *$297,689,334*		
Federal Trust	$4,407,333,963	~~$3,793,860,297~~ *$3,746,750,539*		

§ 1-23. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

301. Not set out.

302. Not set out.

303. A. It is the intent of the General Assembly that the Department of Behavioral Health and Developmental Services proceed in transforming its system of care into a model that embodies best practices and state-of-the art services. The consumer-driven system of services and supports shall promote self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life. The transformed system shall include investments in a suitable array and adequate quantity of community-based services, with an emphasis on consumer choice and the appropriate use of facility resources. State facilities shall be redesigned to ensure high quality care, efficient operation, and capacity necessary for persons most in need of such care. Amounts authorized herein, and in related legislation, shall be used to support the transformation of the system of care and to promote the provision of behavioral health and developmental services in the most efficient and appropriate setting. The Department of Behavioral Health and Developmental Services may consider the use of public-private partnerships to deliver behavioral health and intellectual disability services as part of the comprehensive behavioral health and intellectual disability system of care, in facilities that are being planned for renovation or replacement. These partnerships may include contracts with private entities for facility operations, unless the Department of Behavioral Health and Developmental Services can demonstrate that continued state operation of the facility is at least as cost effective and provides at least an equivalent or higher level quality care than operation by a private entity.

B. Notwithstanding any law to the contrary, on July 1, 2012, the State Comptroller shall transfer to the general fund any nongeneral fund balance accumulated by the Department of Behavioral Health and Developmental Services, except for federal grant funds, in excess of ~~$20,000,000~~*$35,000,000.*

304. Not set out.

Total for Department of Behavioral Health and Developmental Services			**$44,829,662**	**$46,015,930**
General Fund Positions	184.85	197.85		
Nongeneral Fund Positions	10.40	10.40		
Position Level	195.25	208.25		
Fund Sources: General	$27,206,176	$29,155,444		
Special	$6,761,053	$5,998,053		
Federal Trust	$10,862,433	$10,862,433		

305. Not set out.

306. Not set out.

307. Not set out.

308. Not set out.

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309.	Not set out.				
310.	Not set out.				
311.	Not set out.				
312.	Not set out.				
313.	Not set out.				
314.	Not set out.				
315.	Not set out.				
316.	Not set out.				
317.	Not set out.				
318.	Not set out.				
319.	Not set out.				
	Grand Total for Department of Behavioral Health and Developmental Services			**$928,501,078**	**$972,156,635**
	General Fund Positions	6,789.85	6,616.85		
	Nongeneral Fund Positions	2,616.40	2,624.40		
	Position Level	9,406.25	9,241.25		
	Fund Sources: General	$533,987,476	$577,976,833		
	Special	$321,571,722	$321,237,922		
	Federal Trust	$72,941,880	$72,941,880		
	§ 1-24. DEPARTMENT OF REHABILITATIVE SERVICES (262)				
320.	Rehabilitation Assistance Services (45400)			$90,412,140	~~$91,293,865~~ *$94,279,231*
	Vocational Rehabilitation Services (45404)	$74,784,373	~~$74,809,879~~ *$77,795,245*		
	Community Rehabilitation Programs (45406)	$15,627,767	$16,483,986		
	Fund Sources: General	$21,165,075	~~$22,046,800~~ *$25,032,166*		
	Special	$2,626,801	$2,626,801		
	Dedicated Special Revenue	$2,016,499	$2,016,499		
	Federal Trust	$64,603,765	$64,603,765		

Authority: Title 51.5, Chapters 5 and 6, Code of Virginia; P.L. 93-112, Federal Code.

A. Recovery of administrative costs for the Long Term Employment Support Services program shall be limited to 1.87 percent each fiscal year.

B. A minimum of $4,225,084 the first year and $4,387,672 the second year from all funds is allocated to support Centers for Independent Living. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction in the first year in this paragraph shall not become effective. The Governor shall have authority to direct that the first year reduction referenced in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

C. The Department of Rehabilitative Services shall fulfill the administrative responsibilities pertaining to the Personal Attendant Services program, without interruption or discontinuation

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of personal attendant services currently provided.

D.1. Out of this appropriation shall be provided $3,188,638 the first year and $3,383,569 the second year from the general fund for expanding the continuum of services used to assist persons with brain injuries in returning to work and community living.

2. Of this amount, $1,725,000 the first year and $1,725,000 the second year from the general fund shall be used to provide a continuum of brain injury services to individuals in unserved or underserved regions of the Commonwealth. Up to $150,000 each year shall be awarded to successful program applicants. Programs currently receiving more than $250,000 from the general fund each year are ineligible for additional assistance under this section. To be determined eligible for a grant under this section, program applicants shall submit plans to pursue non-state resources to complement the provision of general fund support.

3. In allocating additional funds for brain injury services, the Department of Rehabilitative Services shall consider recommendations from the Virginia Brain Injury Council (VBIC).

4. The Department of Rehabilitative Services (DRS) shall submit an annual report to the Chairmen of the Senate Finance and House Appropriations Committees documenting the number of individuals served, services provided, and success in attracting non-state resources.

E. In allocating funds for Extended Employment Services, Long Term Employment Support Services (LTESS) and Economic Development, the Department of Rehabilitative Services shall consider recommendations from the established Employment Service Organizations/LTESS Steering Committee.

F. The Department of Rehabilitative Services shall work with the disAbility Resource Center to phase out funding that has been provided by the State Independent Living Council so as not to impose an undue hardship on persons with disabilities who receive services from the Center.

G. Out of this appropriation, $285,000 the first year and $285,000 the second year shall be provided from the general fund to support direct case management services for brain injured individuals and their families in Southwestern Virginia.

H.1. For Commonwealth Neurotrauma Initiative Trust Fund grants awarded after July 1, 2004, the Commissioner shall require applicants to submit a plan to achieve self-sufficiency by the end of the grant award cycle in order to receive funding consideration.

2. Notwithstanding any other law to the contrary, the Commissioner may reallocate up to $500,000 from unexpended balances in the Commonwealth Neurotrauma Initiative Trust Fund to fund new grant awards for research on traumatic brain and spinal cord injuries.

I. Out of this appropriation, $150,000 the first year and $150,000 the second year from the general fund shall be used to expand case management services for individuals with brain injuries in unserved or underserved regions of the Commonwealth.

J. Out of this appropriation, $200,000 the first year from and $200,000 the second year from the general fund shall be provided for brain injury services. In allocating the funding, the Department of Rehabilitative Services shall consider recommendations from the Virginia Brain Injury Council.

K. Notwithstanding the provisions of § 51.5-47, Code of Virginia, every county and city, either singly or in combination with another political subdivision, may establish a local disability services board to provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the Americans with Disabilities Act, and to provide such other assistance and advice to local governments as may be requested. Notwithstanding the provisions of § 51.5-48, Code of Virginia, local disability services boards shall follow some or all of the provisions of this code section, at their discretion.

L.1. Out of this appropriation, $388,279 from the general fund the second year shall be allocated to the Long-term Rehabilitation Case Management Services Program.

2. Of this appropriation, $200,000 from the general fund the second year shall be provided to

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	Didlake for the expansion of vocational services for people with physical disabilities.				
321.	Not set out.				
322.	Not set out.				
323.	Not set out.				
	Total for Department of Rehabilitative Services.....			**$143,868,102**	**~~$144,749,827~~** ***$147,735,193***
	General Fund Positions.....	91.75	92.75		
	Nongeneral Fund Positions.....	589.25	590.25		
	Position Level	681.00	683.00		
	Fund Sources: General.....	$22,372,342	~~$23,254,067~~ *$26,239,433*		
	Special.....	$9,421,834	$9,421,834		
	Dedicated Special Revenue.....	$2,016,499	$2,016,499		
	Federal Trust.....	$110,057,427	$110,057,427		
324.	Not set out.				
325.	Not set out.				
	Grand Total for Department of Rehabilitative Services....			**$169,665,543**	**~~$170,396,919~~** ***$173,382,285***
	General Fund Positions.....	193.42	194.42		
	Nongeneral Fund Positions.....	833.58	834.58		
	Position Level	1,027.00	1,029.00		
	Fund Sources: General.....	$27,333,897	~~$28,065,273~~ *$31,050,639*		
	Special.....	$29,957,834	$29,957,834		
	Dedicated Special Revenue.....	$2,016,499	$2,016,499		
	Federal Trust.....	$110,357,313	$110,357,313		
	§ 1-25. DEPARTMENT OF SOCIAL SERVICES (765)				
326.	Program Management Services (45100).....			$33,044,045	~~$31,119,208~~ *$31,692,892*
	Training and Assistance to Local Staff (45101).....	$3,785,812	$2,838,506		
	Central Administration and Quality Assurance for Benefit Programs (45102).....	$11,491,816	~~$11,097,856~~ *$11,671,540*		
	Central Administration and Quality Assurance for Family Services (45103).....	$6,980,672	$6,733,877		
	Central Administration and Quality Assurance for Community Programs (45105).....	$7,795,081	$7,525,875		
	Central Administration for the Comprehensive Services Act (Csa) (45106).....	$1,092,728	$1,092,728		
	Central Administration and Quality Assurance for Child Care Activities (45107).....	$1,897,936	$1,830,366		
	Fund Sources: General.....	$15,005,312	~~$14,122,408~~ *$14,409,250*		
	Federal Trust.....	$18,038,733	~~$16,996,800~~ *$17,283,642*		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 and 6, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

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A. The Department of Social Services, in collaboration with the Office of Comprehensive Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Comprehensive Services Act teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

327. Financial Assistance for Self-Sufficiency Programs and Services (45200)			$311,941,213	~~$285,486,181~~ *$287,057,212*
Temporary Assistance for Needy Families (Tanf) Cash Assistance (45201)	$113,840,549	$113,743,300		
Child Support Supplement (45211)	$4,800,000	$0		
Temporary Assistance for Needy Families (Tanf) Employment Services (45212)	$23,638,972	$23,638,972		
~~Food Stamp Employment and Training (Fset) Employment Services (45213)~~	$866,326	$866,326		
Supplemental Nutrition Assistance Program Employment and Training (Snapet) Services (45213)				
Temporary Assistance for Needy Families (Tanf) Child Care Subsidies (45214)	$53,356,283	$53,617,869		
At-Risk Child Care Subsidies (45215)	$104,158,248	$85,212,378		
Unemployed Parents Cash Assistance (45216)	$11,280,835	~~$8,407,336~~ *$9,978,367*		
Fund Sources: General	$95,028,524	~~$87,788,555~~ *$89,359,586*		
Federal Trust	$216,912,689	$197,697,626		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 and 6, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. To the extent permitted by federal law, the State Plan for Temporary Assistance for Needy Families (TANF) shall provide that the eligibility for assistance of an alien who is qualified alien (as defined in § 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law Number 104-193) shall be determined without regard to alienage.

B. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.

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C. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.

D.1. The Department of Social Services shall be authorized to make necessary changes in the State Plan for the Temporary Assistance for Needy Families (TANF) Program to meet the federal TANF requirements, pursuant to federal Deficit Reduction Omnibus Reconciliation Act of 2005, and to minimize the Commonwealth's exposure to federal financial penalties, provided it does so in the most efficient and least costly manner.

2. No less than 30 days prior to submitting amendments to the federal government on the State Plan for the Temporary Assistance for Needy Families Program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees with written documentation of the proposed policy changes, including an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

E. Out of this appropriation, $4,800,000 the first year from the federal Temporary Assistance for Needy Families (TANF) block grant shall be used by the Department of Social Services to provide recipients of Temporary Assistance for Needy Families (TANF) cash assistance a monthly TANF supplement up to the current child support collected by the Division of Child Support Enforcement for each such recipient, less any disregard passed through to such recipient pursuant to any other provision of law. The TANF child support supplement shall be paid within two months following collection of the child support payment or payments used to determine the amount of such supplement. For purposes of determining eligibility for medical assistance services, the TANF supplement described in this paragraph shall be disregarded. In the event there are sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to provide the TANF supplement described in this paragraph.

F. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.

G. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.

H. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, §1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.

I. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs

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paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.

J. Out of the total appropriation for child care, $10,626,393 from the general fund and $52,445,805 from federal funds the first year and $2,660,086 from the general fund and$54,445,805 from federal funds the second year will support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall report on the sliding fee scale and eligibility criteria adopted by the Board of Social Services by December 15 of each year. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.

K. Notwithstanding § 4-1.03 of this act, general fund and nongeneral fund appropriations for the Child Care Fee System At-risk and At-risk Pass-thru programs shall not be transferred to support other child care programs or for any other purpose.

L. It is the intent of the General Assembly that the Department of Social Services automate child care assistance programs. The Department shall report to the Governor and the General Assembly by October 15 of each year regarding the status of such automation, system adequacy, and needed action.

M. Included in this Item is funding in the amount of $600,000 the first year and $600,000 the second year from nongeneral funds for scholarships for students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education. Also included in this Item is funding in the amount of $505,000 the first year and $505,000 the second year from nongeneral funds for training of individuals in the field of early childhood education.

N. Out of appropriations in this Item shall be provided $300,000 the first year and $300,000 the second year from nongeneral funds for child care assistance provided to children in homeless and domestic violence shelters.

O. The Commissioner of the Department of Social Services shall work with interested local governments or third parties to identify services and programs that may qualify for reimbursement consistent with the TANF Emergency Contingency Fund in order to maximize the use of these federal funds included within the American Recovery and Reinvestment Act of 2009. The Commissioner is authorized to use these funds as pass-through to localities or non-profits.

328. Not set out.

329. 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	$7,511,730	~~$9,941,311~~ *$7,441,311*		
Special	$702,013,497	~~$700,633,306~~ *$703,133,306*		
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

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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 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.

330. Adult Programs and Services (46800)			$39,465,156	$37,702,004
Auxiliary Grants for the Aged, Blind, and Disabled (46801)	$22,652,956	$22,639,804		
Adult In-Home and Supportive Services (46802)	$8,572,995	$6,822,995		
Domestic Violence Prevention and Support Activities (46803)	$8,239,205	$8,239,205		
Fund Sources: General	$23,316,378	$22,748,226		
Federal Trust	$16,148,778	$14,953,778		

Authority: Title 51.2, Chapter 1.1 and Title 63.2, Chapters 1 and 6, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A. 1. Effective January 1, ~~2009~~*2012*, the Department of Social Services is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of ~~$1,112~~ *$1,136* per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The Department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, 2009, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be $81 per month, unless modified as indicated below.

3. The Department of Social Services is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the

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Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B.1. Out of this nongeneral fund appropriation, $4,801,894 the first year and $4,801,894 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

2. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of $1,000,000 from nongeneral funds the first year in this paragraph shall not become effective. The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.

D. Out of this appropriation, $555,000 the first year from the general fund and $693,750 the first year and $1,248,750 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.

E. Out of this appropriation, $75,000 from the general fund and $400,000 from nongeneral funds the first year and $75,000 from the general fund and $400,000 from nongeneral funds the second year shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

F. Notwithstanding the emergency regulations set forth in 22 VAC 40-71-10 et seq. Standards and Regulations for Licensed Assisted Living Facilities, the Department of Social Services shall (i) define a department-approved course for managers of licensed facilities with 19 or fewer residents, pursuant to 22 VAC 40-71-60 L.3 e (4), as a course that does not exceed 40 hours and is available and accessible in multiple regions within the Commonwealth; (ii) reinstate an exception to the requirement that at least one staff member be awake and on duty during the night in buildings that house 19 or fewer residents provided that none of the residents require a staff member to be awake and on duty at night, pursuant to 22 VAC 40-71-130; and (iii) eliminate requirements set forth in the emergency regulations, pursuant to 22 VAC 40-71-485, guiding intervention for high risk behavior.

G. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of $1,000,000 from the general fund the first year in this item for other purchased services shall not become effective. The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

331. Child Welfare Services (46900)			$160,842,732	~~$166,530,567~~ *$173,430,567*
Foster Care Payments and Supportive Services (46901)	$62,968,154	~~$70,261,740~~ *$66,861,740*		
Supplemental Child Protective Activities (46902)	$4,307,950	$4,307,950		
Adoption Subsidies and Supportive Services (46903)	$93,566,628	~~$91,960,877~~ *$102,260,877*		
Fund Sources: General	$83,917,607	~~$87,374,663~~ *$93,774,663*		
Special	$425,030	$425,030		

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Dedicated Special Revenue	$135,265	$135,265		
Federal Trust	$76,364,830	~~$78,595,609~~ *$79,095,609*		

Authority: Title 63.2, Chapters 3, 10, 10.1, 10.2, 11.1, 11.2, 12.1, and 18, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, as amended, Federal Code.

A. Out of this appropriation, $500,000 the first year and $500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in §63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

B. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.

C. This appropriation includes $180,200 from the general fund and $99,800 from nongeneral funds the first year and $180,200 from the general fund and $99,800 from nongeneral funds the second year to continue respite care for foster parents.

D. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.

E. Out of this appropriation, $100,000 the first year and $100,000 the second year from nongeneral funds shall be provided for Volunteer Emergency Families for Children to expand its shelter care network for abused, neglected, runaway, homeless, and at-risk children throughout Virginia.

F. Out of this appropriation, $100,000 the first year and $100,000 the second year from nongeneral funds is provided for the Child Abuse Prevention Play administered by Theatre IV of Richmond.

G. Out of the amounts appropriated for this item, $100,000 the first year and $100,000 the second year from nongeneral funds is provided to implement the Virginia Child Protection Accountability System.

H. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the first year reduction of $1,000,000 from the general fund and the addition of $1,000,000 from nongeneral funds the first year in this item shall not become effective. The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

I. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5) for state foster care and adoption assistance payments, the reduction of $3,000,000 from the general fund the first year in this item shall be restored. The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

332. Not set out.

333. Not set out.

334. Not set out.

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335. Not set out.				
336. Not set out.				
337. Not set out.				
338. 1. It is hereby acknowledged that as of June 30, 2009 there existed with the federal government an unexpended balance of $34,502,916 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at ~~$34,358,796~~ *$38,405,035* on June 30, 2010; ~~$13,996,557~~ *$25,574,493* on June 30, 2011; and ~~$49,735~~ *$14,064,514* on June 30, 2012.				
2. The Department of Social Service (DSS) shall report annually on October 1 to the Governor, the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding spending; program results; clients served; the location, size, implementation status, and nature of projects funded with TANF funds; results of all formal evaluations; and recommendations for continuation, expansion, and redesign of the projects. Such report shall be combined with the report required by § 63.2-619, Code of Virginia.				
Total for Department of Social Services			**$1,918,938,997**	**~~$1,893,370,016~~** ***$1,902,414,731***
General Fund Positions	376.21	398.21		
Nongeneral Fund Positions	1,260.29	1,282.29		
Position Level	1,636.50	1,680.50		
Fund Sources: General	$379,562,717	~~$375,576,936~~ *$381,334,809*		
Special	$704,781,477	~~$703,401,286~~ *$705,901,286*		
Dedicated Special Revenue	$3,135,265	$3,135,265		
Federal Trust	$831,459,538	~~$811,256,529~~ *$812,043,371*		
339. Not set out.				
340. Not set out.				
341. Not set out.				
342. Not set out.				
343. Not set out.				
344. Not set out.				
345. Not set out.				
346. Not set out.				
347. Not set out.				
348. Not set out.				
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES			**$11,594,740,678**	**~~$11,671,924,260~~** ***$11,479,653,391***
General Fund Positions	9,212.17	~~9,067.67~~ *9,068.67*		

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1	Nongeneral Fund Positions	7,294.58	~~7,496.08~~		
2			*7,497.08*		
3	Position Level	16,506.75	~~16,563.75~~		
4			*16,565.75*		
5	Fund Sources: General	$4,213,180,412	~~$4,915,252,830~~		
6			*$4,782,818,000*		
7	Special	$1,223,343,798	~~$1,219,228,655~~		
8			*$1,221,728,655*		
9	Enterprise	$25,478,730	$25,478,730		
10	Trust and Agency	$958,798	$958,798		
11	Dedicated Special Revenue	$449,353,125	~~$460,796,832~~		
12			*$444,783,709*		
13	Federal Trust	$5,682,425,815	~~$5,050,208,415~~		
14			*$5,003,885,499*		

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OFFICE OF NATURAL RESOURCES

349. Not set out.

350. Not set out.

351. Not set out.

352. Not set out.

353. Not set out.

§ 1-26. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)

354. Not set out.

355.	Water Protection (51200)		$44,738,907	$44,544,690
	Water Protection Permitting (51225)	$8,519,292	$8,519,292	
	Water Protection Compliance and Enforcement (51226)	$19,162,883	$19,162,883	
	Water Protection Outreach (51227)	$4,667,360	$4,667,360	
	Water Protection Planning and Policy (51228)	$4,846,927	$4,846,927	
	Water Protection Monitoring and Assessment (51229)	$7,542,445	$7,348,228	
	Fund Sources: General	$16,494,290	$16,300,073	
	Special	$558,516	$558,516	
	Trust and Agency	$10,809,054	$10,809,054	
	Dedicated Special Revenue	$7,247,198	$7,247,198	
	Federal Trust	$9,629,849	$9,629,849	

Authority: Title 5.1, Chapter 1; Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.

A. The Department of Environmental Quality is authorized to commit resources necessary to qualify for in-kind match for the U.S. Army Corps of Engineers for the John H. Kerr Dam and Reservoir, Virginia and North Carolina Feasibility Study, to be conducted in accordance with § 216 of the River and Harbors Flood Control Act of 1970.

B. The appropriation includes annual membership dues for the Interstate Commission on the Potomac River Basin, $156,000 the first year ~~and $156,000 the second year~~ from the general fund. *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.*

C. The appropriation includes annual membership dues for the Ohio River Valley Water Sanitation Commission, $51,500 the first year and $51,500 the second year from the general fund.

D. Out of the amounts for this Item shall be paid $80,000 the first year and $80,000 the second year from the general fund to the Chesapeake Bay Foundation to support Chesapeake Bay education field studies.

E. Notwithstanding the provisions of § 62.1-44.15, Code of Virginia, the Department of Environmental Quality is authorized to implement an inspection schedule for confined animal feeding operations using risk-based criteria.

F.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.

2. The regulations adopted by the State Water Control Board to initially implement the provisions of this item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia and shall become effective no later than July 1, 2010.

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	Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.				
356.	Not set out.				
357.	Not set out.				
358.	Not set out.				
	Total for Department of Environmental Quality			**$158,755,427**	**$154,808,631**
	General Fund Positions.....	393.50	390.50		
	Nongeneral Fund Positions.....	503.50	503.50		
	Position Level	897.00	894.00		
	Fund Sources: General.....	$36,800,630	$32,853,834		
	Special.....	$6,964,857	$6,964,857		
	Enterprise	$12,287,239	$12,287,239		
	Trust and Agency	$37,053,444	$37,053,444		
	Dedicated Special Revenue.....	$21,224,340	$21,224,340		
	Federal Trust.....	$44,424,917	$44,424,917		
359.	Not set out.				
360.	Not set out.				
361.	Not set out.				
362.	Not set out.				
363.	Not set out.				
364.	Not set out.				
365.	Not set out.				
366.	Not set out.				
367.	Not set out.				
368.	Not set out.				
	§ 1-27. VIRGINIA MUSEUM OF NATURAL HISTORY (942)				
369.	Museum and Cultural Services (14500)			$3,244,932	~~$3,244,932~~ *$3,324,472*
	Collections Management and Curatorial Services (14501)	$153,010	$153,010		
	Education and Extension Services (14503)	$813,161	$813,161		
	Operational and Support Services (14507).....	$1,684,577	~~$1,684,577~~ *$1,764,117*		
	Scientific Research (14508).....	$594,184	$594,184		
	Fund Sources: General.....	$2,433,032	~~$2,433,032~~ *$2,512,572*		
	Special.....	$781,900	$781,900		
	Federal Trust.....	$30,000	$30,000		
	Authority: Title 10.1, Chapter 20, Code of Virginia.				
	Total for Virginia Museum of Natural History.....			**$3,244,932**	~~**$3,244,932**~~ ***$3,324,472***

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1	General Fund Positions	39.00	39.00		
2	Nongeneral Fund Positions	9.50	9.50		
3	Position Level	48.50	48.50		
4	Fund Sources: General	$2,433,032	~~$2,433,032~~		
5			*$2,512,572*		
6	Special	$781,900	$781,900		
7	Federal Trust	$30,000	$30,000		
8	TOTAL FOR OFFICE OF NATURAL RESOURCES			**$400,402,974**	~~**$369,367,942**~~
9					***$369,447,482***
10	General Fund Positions	1,010.50	1,027.50		
11	Nongeneral Fund Positions	1,161.50	1,161.50		
12	Position Level	2,172.00	2,189.00		
13	Fund Sources: General	$124,087,161	~~$91,254,675~~		
14			*$91,334,215*		
15	Special	$38,089,918	$38,017,745		
16	Commonwealth Transportation	$413,768	$413,768		
17	Enterprise	$12,287,239	$12,287,239		
18	Trust and Agency	$37,053,444	$37,053,444		
19	Debt Service	$232,068	$232,068		
20	Dedicated Special Revenue	$111,482,934	$113,252,561		
21	Federal Trust	$76,756,442	$76,856,442		

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	OFFICE OF PUBLIC SAFETY				
370.	Not set out.				
371.	Not set out.				
372.	Not set out.				
373.	Not set out.				
374.	Not set out.				
375.	Not set out.				
	§ 1-28. DEPARTMENT OF CORRECTIONS (799)				
376.	Not set out.				
377.	Not set out.				
378.	Not set out.				
379.	Operation of Secure Correctional Facilities (39800).....			$829,591,107	~~$827,666,927~~ *$835,608,109*
	Supervision and Management of Inmates (39802).....	$422,629,027	~~$422,265,376~~ *$422,760,881*		
	Rehabilitation and Treatment Services - Prisons (39803)	$30,185,973	$34,674,634		
	Prison Management (39805).....	$59,703,431	$59,763,466		
	Food Services - Prisons (39807).....	$40,533,739	$40,504,837		
	Medical and Clinical Services - Prisons (39810).....	$144,757,312	~~$148,085,060~~ *$155,435,737*		
	Agribusiness (39811)	$8,864,484	$8,864,484		
	Correctional Enterprises (39812).....	$48,000,000	$48,500,000		
	Physical Plant Services - Prisons (39815).....	$74,917,141	~~$65,009,070~~ *$65,104,070*		
	Fund Sources: General.....	$757,000,636	~~$753,436,409~~ *$761,377,591*		
	Special.....	$70,827,000	$71,477,000		
	Dedicated Special Revenue.....	$0	$990,047		
	Federal Trust.....	$1,763,471	$1,763,471		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is $1,005,000 in the first year and $1,005,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. $150,000 the first year and $150,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;

2. $780,000 the first year and $780,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and

3. $75,000 the first year and $75,000 the second year for the Save Our Shelters "Pen Pals" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

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2. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. Included in the appropriation for this Item is $20,367,000 the first year and $20,367,000 the second year from the Fund. The Director, Department of Planning and Budget, is authorized to increase this appropriation to support non-recurring expenditures of the Department of Corrections.

4. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 418 67.30 of this act.

D. To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.

E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.

F. It is the intention of the General Assembly that § 53.1-47 of the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.

G. The Department of Corrections shall administer a STATIC-99 screening to all potential sexually violent predators eligible for civil commitment pursuant to § 37.2-900 et. seq., Code of Virginia, within six months of their admission to the custody of the department. The results of such screenings shall be provided monthly to the Commissioner of the Department of Behavioral Health and Developmental Services.

H. Out of this appropriation, $1,763,471 the first year and $1,763,471 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

I1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.

2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the

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Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.

3. The Department of Corrections and the Supreme Court shall develop procedures to be used in implementing the program.

4. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.

J. The next priority for the Department of Corrections for the construction of a new medium security correctional facility shall be given to a location within Charlotte County.

K. The Department of Corrections shall prepare a long range plan to consolidate the secure correctional facilities at the James River-Powhatan complex on the south side of the James River in Powhatan County. The plan shall include maintaining the Academy for Staff Development in its present location and maintaining current farming operations along the flood plain on the north side of the James River. The plan shall include an assessment of the value of property at the James River Correctional Center which may be declared surplus, and estimated capital costs to replace the James River Correctional Center and adjacent work centers with new facilities to be constructed on the south side of the James River on state-owned property. Copies of this plan shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010.

L. The Department of Corrections shall prepare an assessment of which correctional facilities that it may be appropriate to close in the future. The assessment shall take into account the inmate population forecast, the condition of the physical plants at various correctional facilities and the projected cost to maintain those facilities, the projected need by the department for beds by security level, the relative operating costs of various facilities, the net savings that would be realized from any closing, and the contribution of each facility under consideration to the various functions of the agency. The assessment shall include the advantages and disadvantages of closing any specific facility. The department shall report the results of its assessment to the Secretaries of Finance and Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by November 1, 2010.

M. The Department of Corrections, with the support of the Department of Planning and Budget, shall conduct a thorough examination of inmate medical expenses, with the goal of substantially reducing the increase in costs. Among the areas to be examined are the appropriate level of the use of part-time contracted physicians, the rate schedules of hospitals and other private medical providers utilized by the department, and enhanced treatment of offenders with chronic medical conditions with department personnel. The department shall examine those correctional facilities for which it has contracted with a private company to provide medical services to determine if the department could provide comparable medical services to inmates in those facilities at a lower cost, as well as the benefit of issuing a new request for proposals to take effect in FY 2012 when the current contracts are subject to renewal. In addition to these areas and steps, the department shall examine any other areas or issues it feels may result in cost decreases. The department shall submit a report, outlining its findings, the steps it has taken, and any recommendations for policy changes it feels are needed to reduce increases in inmate medical costs, to the Secretary of Public Safety and the Chairmen of the House Appropriations and Senate Finance Committees by September 30, 2011.

N. The Department of Planning and Budget, with the assistance of the Department of Corrections, shall conduct a review of equipment purchases to determine whether there may be additional opportunities to reduce costs.

O. Included in the appropriation for this Item is $1,804,000 the second year from the general fund for the estimated cost of workforce development specialist positions transferred from the Department of Correctional Education. The Director, Department of Planning and Budget, is

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authorized to transfer general fund appropriation between the Department of Corrections and the Department of Correctional Education to account for the actual cost of those positions.

P. Included in the appropriation for this item is $150,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program.

Q. The Governor is authorized to open any one or more housing units at the new medium security adult correctional center in Grayson County, provided that the cost of opening such housing units is provided either through reductions in the number of state-responsible offenders housed in local and regional jails or by housing out-of-state inmates. The Director, Department of Planning and Budget, is authorized to approve a revenue anticipation loan from the Department of the Treasury to support the necessary start-up operations in an amount sufficient to meet contractual obligations to house out-of-state inmates in this facility prior to June 30, 2012, subject to the approval of the Governor. Thirty days prior to opening any housing units at the new facility in Grayson County, the Secretary of Public Safety shall present a plan describing the number of offenders to be housed in the facility, the projected operating costs, and the source of any revenues supporting the operation of the facility to the Chairmen of the House Appropriations and Senate Finance Committees.

R. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.

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 the department to the town for sewage treatment services for fiscal year 2012, will equal the level of expenditures made by the department 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 certification by the Auditor of Public Accounts that the amount to be paid is consistent with this item.

380.	Administrative and Support Services (39900)			$82,445,092	~~$81,288,388~~ *$81,871,033*
	General Management and Direction (39901)	$17,630,457	$17,825,688		
	Information Technology Services (39902)	$23,418,181	~~$22,930,888~~ *$23,513,533*		
	Accounting and Budgeting Services (39903)	$2,831,709	$2,831,709		
	Architectural and Engineering Services (39904)	$7,083,687	$7,372,301		
	Human Resources Services (39914)	$3,196,482	$3,196,482		
	Planning and Evaluation Services (39916)	$550,598	$619,172		
	Procurement and Distribution Services (39918)	$12,589,693	$11,367,863		
	Training Academy (39929)	$6,553,531	$6,553,531		
	Offender Classification and Time Computation Services (39930)	$8,590,754	$8,590,754		
	Fund Sources: General	$77,995,092	~~$76,338,388~~ *$76,921,033*		
	Special	$4,450,000	$4,950,000		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A. 1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

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2. The appropriation in this Item includes $984,250 the first year and $1,585,400 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of developing the offender management system. In addition to any general fund appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.

B. Included in this appropriation is $550,000 the first year and $550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is $2,800,000 the first year and $2,800,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. 1. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

2. The Department of Corrections shall strive to have no more than 500 general population and reception beds of its base bed space capacity vacant at any one time. The Director, Department of Planning and Budget, is authorized to increase the department's appropriation of revenue received from housing out of state inmates by $12 per prisoner-day that the vacancy level falls below 500. Any such additional appropriation shall be used only for non-recurring expenses.

E. The Department of Corrections is exempted from the approval requirements of Chapter 11 of the Construction and Professional Services Manual as issued by the Division of Engineering and Buildings. The Department of Corrections may authorize and initiate design-build contracts as deemed appropriate by the Director, Department of Corrections, in accordance with §§ 2.2-4301 and 2.2-4306, Code of Virginia.

F. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.

G. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County ($150,382.00, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned

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county needs.

H. Effective July 1, 2011, notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

I. The Department of Corrections shall, either through the elimination of vacant positions or through other efficiencies, reduce general fund expenditures by $1,519,095 the first year and $1,519,095 the second year.

J. By August 1, 2010, the Director of the Department of Corrections shall identify those prisoners eligible for parole who may be suitable parole risks and whose interests and those of society will be served by the grant of discretionary parole, shall recommend such prisoners to the Parole Board, and shall notify each such prisoner who is the subject of such a recommendation. In making such recommendations, the Director shall take into account the prisoner's criminal history record, mental and physical condition, employability, institutional adjustment, and such other factors as may be appropriate, including the risk of violence to others. No prisoner shall be recommended for release prior to the time specified in § 53.1-154.1 of the Code of Virginia.

K. From the appropriation for this item, the Director, Department of Planning and Budget, is authorized to transfer up to $150,000 each year from the general fund, to the Secretary of Public Safety, to support a position dedicated to the improvement and coordination of the Commonwealth's efforts related to the re-entry of offenders into society after being incarcerated in prison. Improving re-entry efforts is expected to decrease the recidivism of those offenders and enhance public safety.

L. Included in the appropriation for this item is $50,000 the first year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of House Bill 1 by the 2010 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30-19.1:4, Code of Virginia.

M. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.

N. Included in the appropriation for this item is $338,614 the second year from the general fund for the estimated net increase in the operating costs of adult correctional centers resulting from the enactment of House Bills 1516, 1777, 1898, 2063, and 2066, and Senate Bills 772, 745, 1185, and 1222 by the 2011 Session of the General Assembly. This amount shall be paid into the Corrections Special Reserve Fund, established in accordance with § 30.19.1:4, Code of Virginia.

O. In the event the Department of Corrections closes a correctional facility for which it has entered into an ageement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.

Total for Department of Corrections.....			**$1,011,100,748**	**~~$1,008,440,046~~** ***$1,016,963,873***
General Fund Positions.....	12,157.50	12,230.50		
Nongeneral Fund Positions.....	217.50	232.50		
Position Level	12,375.00	12,463.00		
Fund Sources: General.....	$930,597,797	~~$925,657,048~~ *$934,180,875*		
Special.....	$77,062,000	$78,212,000		
Dedicated Special Revenue.....	$1,477,480	$2,467,527		
Federal Trust.....	$1,963,471	$2,103,471		

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381.	Not set out.				
382.	Not set out.				
383.	Not set out.				
384.	Not set out.				
385.	Not set out.				
386.	Not set out.				
387.	Not set out.				
388.	Not set out.				
389.	Not set out.				
390.	Not set out.				
391.	Not set out.				
392.	Not set out.				
393.	Not set out.				
394.	Not set out.				
395.	Not set out.				
396.	Not set out.				
	§ 1-29. DEPARTMENT OF JUVENILE JUSTICE (777)				
397.	Not set out.				
398.	Supervision of Offenders and Re-Entry Services (35100)			$51,602,864	~~$51,717,864~~ *$50,717,864*
	Juvenile Probation and Aftercare Services (35102)	$51,602,864	~~$51,717,864~~ *$50,717,864*		
	Fund Sources: General	$50,720,915	~~$50,835,915~~ *$49,835,915*		
	Special	$145,000	$145,000		
	Federal Trust	$736,949	$736,949		
	Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-294, 16.1-322.1 and 66-14, Code of Virginia.				
	Notwithstanding the provisions of §16.1-273 of the Code of Virginia, the Department of Juvenile Justice, including locally-operated court services units, shall not be required to provide drug screening and assessment services in conjunction with investigations ordered by the courts.				
399.	Not set out.				
400.	Operation of Secure Correctional Facilities (39800)			$80,177,903	~~$80,177,903~~ *$78,577,903*
	Juvenile Corrections Center Management (39801)	$6,349,708	$6,349,708		
	Food Services - Prisons (39807)	$5,954,954	$5,954,954		
	Medical and Clinical Services - Prisons (39810)	$8,749,025	$8,749,025		
	Physical Plant Services - Prisons (39815)	$6,138,535	$6,138,535		

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Offender Classification and Time Computation Services (39830)	$1,281,248	$1,281,248		
Juvenile Supervision and Management Services (39831)	$42,404,022	~~$42,404,022~~ *$40,804,022*		
Juvenile Rehabilitation and Treatment Services (39832)	$9,300,411	$9,300,411		
Fund Sources: General	$77,123,877	~~$77,123,877~~ *$75,523,877*		
Special	$1,551,293	$1,551,293		
Dedicated Special Revenue	$48,000	$48,000		
Federal Trust	$1,454,733	$1,454,733		

Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of Virginia.

A. The Department of Juvenile Justice shall retain all funds paid for the support of children committed to the department to be used for the security, care, and treatment of said children.

B. Beginning with the effective date of any agreement whereby Culpeper County becomes a member of a detention home commission, or signs an agreement with a local detention home, to house juveniles in detention as provided in § 16.1-248.1 or § 16.1-284.1, Code of Virginia, the existing memorandum of agreement between Culpeper County and the Department of Juvenile Justice, under which the department currently houses Culpeper juveniles who are detained, shall be terminated. Culpeper County shall satisfy any amount owed the department for any days during which it housed such juveniles on behalf of the county, but shall be forgiven any outstanding amount for guaranteed bed space which it did not utilize. The amount to be forgiven shall be certified by the department, and the county shall apply an equal amount to the cost of joining a detention commission, or for providing alternative programs to detention, or both, over the five-year period following termination of the agreement with the department. The county shall submit an audited statement to the department demonstrating the appropriate expenditure of such funds no later than June 30, 2012.

C. The Department of Juvenile Justice, with the assistance of the Department of General Services, the Department of Historic Resources, and the Virginia Economic Development Partnership shall work with the County of Rockbridge and other appropriate local entities to address the future use of the property comprising the Natural Bridge Juvenile Correctional Center. A report outlining potential options for re-use and redevelopment of this property shall be provided to the Governor, the Secretaries of Public Safety, Administration, Natural Resources, and Commerce and Trade, and the Chairmen of the Senate Finance and House Appropriations Committees, by October 1, 2010.

D.1. The Department of Juvenile Justice shall prepare a report on the future of juvenile correctional centers (JCCs) in the Commonwealth. The report shall include: (1) an analysis of JCC utilization rates; (2) an analysis of local and regional secure juvenile detention center utilization rates; (3) a determination of the appropriate number and types of beds, including security levels, necessary to manage the projected state-responsible and local-responsible juvenile population; and (4) an analysis of options for providing regional transitional programs and re-entry services at selected local and regional juvenile secure detention facilities.

2. In preparing this report, the department shall consult with representatives of the following: (1) the Department of Correctional Education; (2) the Department of Education; (3) the Virginia Council on Juvenile Detention; (4) juvenile court service unit directors; (5) juvenile and domestic relations district court judges; (6) juvenile advocacy groups; (7) the Virginia Prisoner and Juvenile Offender Re-entry Council; (8) the Virginia Municipal League; and (9) the Virginia Association of Counties. This consultation shall address the prospect of implementing a plan for: (1) the closing of one state juvenile correctional center and reallocating the cost savings to regional transitional programs and re-entry services at selected local and regional juvenile secure detention facilities; and (2) identifying funding to be transferred for the purpose of reinvesting in such programs and services. The report shall detail the feasibility and core components of such a plan and shall include a fiscal analysis of the impact on localities and on the department of the plan. The fiscal analysis shall address state responsibilities related to transportation, education, medication, assistance to support security services provided directly by the juvenile detention facility, and comprehensive programming

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	provided on a contractual basis by private, for-profit and non-profit providers, based on evidenced-based practices.				
	3. The report shall be provided to the Governor, the Secretary of Public Safety, and the Chairmen of the Senate Finance and House Appropriations Committees on or before October 1, 2011.				
401.	Administrative and Support Services (39900)			$16,682,177	~~$16,682,177~~ *$16,282,177*
	General Management and Direction (39901)	$3,975,475	~~$3,975,475~~ *$3,575,475*		
	Information Technology Services (39902)	$5,138,119	$5,138,119		
	Accounting and Budgeting Services (39903)	$4,495,744	$4,495,744		
	Architectural and Engineering Services (39904)	$411,594	$411,594		
	Food and Dietary Services (39907)	$347,627	$347,627		
	Human Resources Services (39914)	$1,847,186	$1,847,186		
	Planning and Evaluation Services (39916)	$466,432	$466,432		
	Fund Sources: General	$16,339,133	~~$15,379,133~~ *$14,979,133*		
	Special	$20,000	$980,000		
	Federal Trust	$323,044	$323,044		
	Authority: §§ 66-3 and 66-13, Code of Virginia.				
	In implementing the position reductions contained in this item, the Department of Juvenile Justice shall develop a plan, subject to the approval of the Secretary of Public Safety, to reduce administrative expenses, including three management level positions in the central office so as to increase management span of control, and other expenses as necessary. Copies of this plan shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by July 15, 2010.				
	Total for Department of Juvenile Justice			**$197,563,605**	~~**$198,478,605**~~ ***$195,478,605***
	General Fund Positions	2,264.00	2,264.00		
	Nongeneral Fund Positions	19.00	19.00		
	Position Level	2,283.00	2,283.00		
	Fund Sources: General	$191,402,480	~~$191,357,480~~ *$188,357,480*		
	Special	$1,766,293	$2,726,293		
	Dedicated Special Revenue	$48,000	$48,000		
	Federal Trust	$4,346,832	$4,346,832		
402.	Not set out.				
403.	Not set out.				
404.	Not set out.				
405.	Not set out.				
406.	Not set out.				
407.	Not set out.				
408.	Not set out.				
409.	Not set out.				
410.	Not set out.				
411.	Not set out.				

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412.	Not set out.				
413.	Not set out.				
414.	Not set out.				
415.	Not set out.				
416.	Not set out.				
426.	Not set out.				
	TOTAL FOR OFFICE OF PUBLIC SAFETY			**$2,554,740,254**	**~~$2,560,365,318~~** ***$2,565,889,145***
	General Fund Positions	18,241.37	18,250.37		
	Nongeneral Fund Positions	2,707.68	2,774.68		
	Position Level	20,949.05	21,025.05		
	Fund Sources: General	$1,658,019,662	~~$1,654,613,573~~ *$1,660,137,400*		
	Special	$192,260,320	$194,211,985		
	Commonwealth Transportation	$9,100,056	$8,983,068		
	Enterprise	$531,254,464	$531,254,464		
	Trust and Agency	$10,020,000	$10,020,000		
	Dedicated Special Revenue	$28,632,291	$29,236,987		
	Federal Trust	$125,453,461	$132,045,241		

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	OFFICE OF TECHNOLOGY				
427.	Not set out.				
428.	Not set out.				
	§ 1-30. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)				
429.	Not set out.				
430.	Executive Management (71300)			($2,430,610)	~~($1,385,693)~~ *$0*
	Savings From Management Actions (71301)	($2,430,610)	~~($1,385,693)~~ *$0*		
	Fund Sources: General	($2,430,610)	~~($1,385,693)~~ *$0*		
	Authority: Discretionary Inclusion				
	This appropriation reflects savings resulting from information technology and telecommunications operating efficiencies achieved by the Virginia Information Technologies Agency through renegotiated service rates and reduced overhead costs for services provided to customers. The Department of Planning and Budget is hereby authorized to reduce the general fund appropriation of each agency and institution in the Executive Department, as contained in Part 1 of this act, by an amount determined by the Virginia Information Technologies Agency to be each agency's share of these savings. The general fund amount, estimated at $2,430,610 the first year ~~and $1,385,693 the second year~~, shall be transferred to this Item. The nongeneral fund amount, estimated at $953,423 the first year ~~and $593,232 the second year~~, shall be transferred to the general fund by the State Comptroller pursuant to the provisions of § 3-1.01 of this act. The Department of Planning and Budget shall provide to the State Comptroller the agency-specific detail necessary to effect these transfers.				
431.	Not set out.				
432.	Not set out.				
433.	Not set out.				
434.	Not set out.				
435.	Not set out.				
	Total for Virginia Information Technologies Agency			**$47,240,810**	**~~$48,302,718~~** ***$49,688,411***
	General Fund Positions	26.00	26.00		
	Nongeneral Fund Positions	298.00	295.00		
	Position Level	324.00	321.00		
	Fund Sources: General	($182,718)	~~$743,172~~ *$2,128,865*		
	Special	$5,477,000	$5,567,000		
	Dedicated Special Revenue	$41,946,528	$41,946,528		
	Federal Trust	$0	$46,018		
	TOTAL FOR OFFICE OF TECHNOLOGY			**$52,204,593**	**~~$53,766,739~~** ***$55,152,432***
	General Fund Positions	31.00	31.00		
	Nongeneral Fund Positions	298.00	295.00		
	Position Level	329.00	326.00		

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1	Fund Sources: General	$4,781,065	~~$6,207,193~~		
2			*$7,592,886*		
3	Special	$5,477,000	$5,567,000		
4	Dedicated Special Revenue	$41,946,528	$41,946,528		
5	Federal Trust	$0	$46,018		

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436.	Administrative and Support Services (79900)			$624,426	$799,426
	General Management and Direction (79901)	$624,426	$799,426		
	Fund Sources: Commonwealth Transportation	$624,426	$799,426		

OFFICE OF TRANSPORTATION

§ 1-31. SECRETARY OF TRANSPORTATION (186)

Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of Virginia.

A. The transportation policy goals enumerated in this act shall be implemented by the Secretary of Transportation, including the Secretary acting as Chairman of the Commonwealth Transportation Board.

1. The maintenance of existing transportation assets to ensure the safety of the public shall be the first priority in budgeting, allocation, and spending. The highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

2. The efficient and cost-effective movement of people and goods will consider the needs in, and connectivity of, all modes of transportation, including bicycling, walking, public transportation, highways, freight and passenger rail, ports, and airports. The planning, development, construction, and operations of Virginia's transportation facilities will reflect this goal.

3. The Secretary of Transportation shall ensure that the planning and evaluation of projects and activities by transportation agencies is consistent with the Principles of Sustainable Community Investment identified in Executive Order 69 (2008).

4. To the greatest extent possible, the appropriation of transportation revenues shall reflect planned spending of such revenues by agency and by program. The maximization of all federal transportation funds available to the Commonwealth shall be paramount in the budgetary, spending, and allocation processes. The secretary is hereby authorized to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth, whether such funds are authorized under P.L. 109-59 of the 109th Congress, or any successor or related federal transportation legislation.

B.1. The secretary shall ensure that the allocation of transportation funds apportioned and for which obligation authority is expected to be available under federal law shall be in accordance with such laws and in support of the transportation policy goals enumerated in this act. Furthermore, the secretary is authorized to take all actions necessary to allocate the required match for federal highway funds to ensure their appropriate and timely obligation and expenditure within the fiscal constraints of state transportation revenues. By June 1 of each year, the secretary, as Chairman of the Board, shall report to the Governor and General Assembly on the allocation of such federal transportation funds and the actions taken to provide the required match.

2. Beginning July 1, 2011, in providing the required match for federal Regional Surface Transportation Program funds made available to Metropolitan Planning Organizations in urbanized areas greater than 200,000, the board shall only make allocations to those Metropolitan Planning Organizations that, in consultation with the Office of Intermodal Planning and Investment, have developed regional transportation and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and have been approved by the board.

3. Projects funded, in whole or part, from federal funds referred to as congestion mitigation and air quality improvement, shall be selected as directed by the board. Such funds shall be federally obligated within 24 months of their allocation by the board and expended within 48 months of such obligation. If the requirements included in this paragraph are not met by such agency or recipient, then the board shall use such federal funds for any other project eligible under 23 USC 149.

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4. Funds apportioned under federal law for the Surface Transportation Program shall be distributed and administered in accordance with federal requirements, including the seven percent that is required to be allocated for public transportation purposes.

5. a. Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Program for urbanized areas greater than 200,000, in FY 2011 and each fiscal year thereafter shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.

b. Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Program for urbanized areas greater than 200,000, in FY 2010 and any preceding fiscal year shall be federally obligated within 12 months of the effective date of this act and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.

6. Funds apportioned under federal law for the Equity Bonus program shall be allocated as required by federal law, including the thirteen percent that is required to be allocated for public transportation purposes. Funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated from the public transportation's portion of federal Equity Bonus program funds.

7. Notwithstanding paragraph B.1. of this Item, the required matching funds for enhancement projects are to be provided by the recipient of the federal-aid funding.

8.a. Federal funds provided to the National Highway System, Surface Transportation Program, Equity Bonus Program, and Congestion Mitigation and Air Quality categories as well as the required state matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate to local and regional public transit operators, for operating and/or capital purposes, state revenues designated by formula for primary, urban, and secondary highways.

b. Federal funds apportioned as the Highway Bridge Program shall be allocated and obligated as required by federal law to eligible projects across the Commonwealth. The Commonwealth Transportation Board shall consider the sufficiency and deficiency ratings of such eligible projects in making their allocations.

9. If a regional area (or areas) of the Commonwealth is determined to be not in compliance with Clean Air Act rules regarding conformity and as a result federal and/or state allocations, apportionments or obligations cannot be used to fund or support transportation projects or programs in that area, such funds may be used to finance demand management, conformity, and congestion mitigation projects to the extent allowed by federal law. Any remaining amount of such allocations, apportionments, or obligations shall be set aside to the extent possible under law for use in that regional area.

10. Appropriations in this act related to federal revenues outlined in this section may be adjusted by the Director, Department of Planning and Budget, upon request from the Secretary of Transportation, as needed to utilize and allocate additional federal funds that may become available.

C. The secretary may ensure that appropriate action is taken to maintain a minimum cash balance and/or cash reserve in the Highway Maintenance and Operating fund.

D.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995, as amended. Any such application, agreement and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.

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2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this Act or other Acts of Assembly.

E. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall only be used to supplement, not supplant, any local funds provided for transportation programs within the localities authorized to impose the fees under the provisions of § 58.1-3221.3, Code of Virginia.

F. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were authorized in the prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the 2007 General Assembly Session.

G. Pursuant to the provisions of the Memorandum of Agreement between the Commonwealth of Virginia Department of Transportation and the Metropolitan Washington Airports Authority, in conjunction with the construction of rail mass transit in the right of way of the Dulles Access/Toll Road Connector (DATRC), sound walls shall be constructed along residential properties from the beginning of the DATRC to Interstate Route 66 with funding from the Commonwealth Transportation Fund.

H. The Secretary of Transportation is hereby directed to review the Virginia Department of Transportation's vegetation management policies with the objective of evaluating the costs savings associated with limiting mowing and the removal of vegetation only within such distances from actively used pavements or shoulders consistent with traffic safety and convenience. A proposal for a new vegetation management policy shall by submitted to the Chairmen of the House Transportation and Appropriations Committees and the Senate Finance and Transportation Committees for review and concurrence no later than 60 days before implementation of such policy. Such proposal shall be submitted to the aforementioned Committees no later than October 15, 2010.

I.1. Oversight of the Virginia Commercial Space Flight Authority is hereby transferred from the Secretary of Commerce and Trade to the Secretary of Transportation. The Secretary of Transportation shall conduct a review of the Virginia Commercial Space Flight Authority and the Aerospace Advisory Council and make recommendations on operational and competitive needs. The review shall include, but not be limited too, the adequacy of the composition of the Board of Directors, the competitive standing of the aerospace industry within the region and nationally, identification of other states which provide competition for commercial spaceflight investments and the corresponding governmental organizations and their funding levels. The Secretary of Transportation shall report to the Chairmen of the House and Senate Committees on Transportation, the House Appropriations Committee, and the Senate Finance Committee no later than December 1, 2011.

2. Upon completion of the operational report by the Secretary of Transportation, the Virginia Commercial Space Flight Authority shall develop a comprehensive Virginia Aerospace Strategic Plan to increase the competitiveness of the Virginia aerospace industry. The strategic plan shall be delivered to the Secretary of Transportation for his consideration no later than December 1, 2012.

J. Prior to its modal allocation pursuant to § 33.1-23.03:2, Code of Virginia, up to $1,500,000 the second year from the Transportation Trust Fund shall be provided to the Virginia Commercial Space Flight Authority.

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 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

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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.				
Total for Secretary of Transportation.....			**$624,426**	**$799,426**
Nongeneral Fund Positions.....	5.00	6.00		
Position Level	5.00	6.00		
Fund Sources: Commonwealth Transportation	$624,426	$799,426		
437. Not set out.				
438. Not set out.				
439. Not set out.				
440. Not set out.				
441. Not set out.				
442. Not set out.				
443. Not set out.				
444. Not set out.				
445. Not set out.				
§ 1-32. DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (505)				
446. Not set out.				
447. Not set out.				
448. Financial Assistance for Rail Programs (61000).....			$46,074,000	$51,187,000
Rail Industrial Access (61001).....	$3,000,000	$3,000,000		
Rail Preservation Programs (61002)	$5,287,000	$6,287,000		
~~Rail Enhancement Programs (61003)~~..... *Passenger and Freight Rail Financial Assistance Programs (61003)*	$37,787,000	$41,900,000		
Fund Sources: Commonwealth Transportation	$46,074,000	$51,187,000		

Authority: Title 33.1, Code of Virginia.

A. Except as provided in Item 446 A., the Commonwealth Transportation Board shall operate the Shortline Railway Preservation and Development Program in accordance with § 33.1-221.1:1.2, Code of Virginia. The board may allocate funds pursuant to § 33.1-23.1, Code of Virginia, to the Shortline Railway Preservation and Development Fund.

B. The Commonwealth Transportation Board shall operate the Rail Industrial Access Program in accordance with §33.1-221.1:1, Code of Virginia. The board may allocate funds pursuant to §33.1-23.1, Code of Virginia, to the fund for construction of industrial access railroad tracks.

C. Because of the overwhelming need for the development of a balanced transportation system in the Commonwealth, upon approval by the Commonwealth Transportation Board and

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notwithstanding the provisions of § 33.1-221.1:1.1, Code of Virginia, the 30 percent match requirement for the Rail Enhancement Fund is hereby waived exclusively for funding allocated from such fund for improvements for the Richmond/Hampton Roads Passenger Rail Project between Richmond and Norfolk in the 2010-2012 biennium.

D. Of the amounts available in the Rail Enhancement Fund, up to $6,000,000 is hereby authorized to be utilized for the operation of the Amtrak Virginia three-year demonstration project initiated in fiscal year 2010. Because of the overwhelming need for this passenger rail service for the public purpose of the development of a balanced transportation system in the Commonwealth, the requirements of § 33.1-221.1:1.1, Code of Virginia, are hereby waived for these funds.

E. 1. Not later than December 31, 2010, the Director shall provide the Commonwealth Transportation Board an assessment of the anticipated ridership and funding required to support a pilot project of daily bus connector service from the Roanoke Valley to the Kemper Street Station in Lynchburg as part of the on-going three year passenger rail demonstration project. Any support of this transit connector service shall be terminated if the Route 29 rail corridor project is not continued at the conclusion of the three year demonstration period.

2. Of the amount included in this item, $150,000 in the second year is provided to the City of Roanoke for a one-year ridership demonstration project of this service.

F. Of the funds available in the second year for Rail Industrial Access pursuant to § 33.1-221.1:1, Code of Virginia, up to $325,000 in the second year is hereby authorized for the development of rail access in Caroline County to serve the U.S. Army special passenger troop train shuttle operation between Fort Lee and Fort A.P. Hill. In the allocation of funds for this project by the Commonwealth Transportation Board, the requirements of § 33.1-221.1:1, Code of Virginia, with the exception of § 33.1-221.1:1F., are waived. The provisions of this paragraph shall take effect only if the U.S. Army enters into a service agreement with Amtrak and the serving railroad.

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 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,

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	shall solicit the input and involvement of the affected jurisdictions. All agencies of the Commonwealth, upon request, shall provide necessary technical expertise.				
449.	Not set out.				
	Total for Department of Rail and Public Transportation..			**$346,483,955**	**$376,393,846**
	Nongeneral Fund Positions.....	53.00	53.00		
	Position Level	53.00	53.00		
	Fund Sources: Special.....	$774,662	$790,156		
	Commonwealth Transportation	$345,709,293	$375,603,690		
	§ 1-33. DEPARTMENT OF TRANSPORTATION (501)				
450.	Environmental Monitoring and Evaluation (51400).....			$12,488,085	~~$12,364,888~~ *$11,803,292*
	Environmental Monitoring and Compliance for Highway Projects (51408)	$10,364,773	~~$10,280,104~~ *$9,760,940*		
	Environmental Monitoring Program Management and Direction (51409).....	$2,123,312	~~$2,084,784~~ *$2,042,352*		
	Fund Sources: Commonwealth Transportation	$12,488,085	~~$12,364,888~~ *$11,803,292*		
	Authority: Title 33.1, Code of Virginia.				
451.	Ground Transportation Planning and Research (60200)...			$41,632,095	~~$65,076,510~~ *$65,395,932*
	Ground Transportation System Planning (60201).....	$37,203,983	~~$50,837,888~~ *$50,492,044*		
	Ground Transportation System Research (60202).....	$1,720,427	~~$11,556,477~~ *$11,872,899*		
	Ground Transportation Program Management and Direction (60204).....	$2,707,685	~~$2,682,145~~ *$3,030,989*		
	Fund Sources: Commonwealth Transportation	$41,632,095	~~$65,076,510~~ *$65,395,932*		
	Authority: Title 33.1, Code of Virginia.				

1. Included in the amount for ground transportation system planning and research is no less than $4,500,000 the first year and no less than $4,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs.

2. In addition, the Commonwealth Transportation Board may approve the expenditures of up to $500,000 the first year and $500,000 the second year from the highway share of the Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project’s design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board’s annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.

3.a. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth

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Transportation Board all allocations of such funds in this paragraph. The planning and evaluation may be conducted or managed by the Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.

b. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capita vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.

c. For allocation of funds under Paragraph 1, the Office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the department.

4. The Secretary of Transportation, in conjunction with the Department of Transportation, shall undertake an analysis of the potential to substantially reduce the size and scope of the Virginia Transportation Research Council (VTRC) in order to more effectively utilize funding available for transportation in the Commonwealth. Such study shall detail the sources of the VTRC funding by functional area and by staffing levels; evaluate the cost-effectiveness of conducting research activities in-house; investigate cost savings potentially available from outsourcing materials and related engineering research; consider the potential of directing federal grants through Virginia's research universities; and consolidate soft-science evaluations into the department's existing offices of policy analysis and management services.

The Secretary shall present to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees no later than October 15, 2010, a report outlining his recommendations on a reorganization of the research activities currently undertaken at the VTRC, and identify how to implement budget reductions to the Council of 25 percent, 50 percent and 75 percent would be implemented so that the findings of the study may be incorporated into amendments to the fiscal year 2010-2012 biennial budget in the 2011 Session of the General Assembly.

452. Highway System Acquisition and Construction (60300)..			$1,097,844,626	~~$1,332,957,573~~ *$2,384,951,276*
Dedicated and Statewide Construction (60302).....	$405,819,327	~~$616,476,151~~ *$1,654,246,099*		
Interstate Construction (60303).....	$306,041,330	~~$365,814,273~~ *$314,071,458*		
Primary Construction (60304).....	$221,458,401	~~$188,126,624~~ *$233,348,661*		
Secondary Construction (60306).....	$64,669,474	~~$49,600,186~~ *$66,365,164*		
Urban Construction (60307).....	$64,646,250	~~$79,714,502~~ *$98,132,461*		
Highway Construction Program Management (60315).....	$35,209,844	~~$33,225,837~~ *$18,787,433*		
Fund Sources: General.....	$32,700,000	~~$0~~ *$67,241,000*		
Commonwealth Transportation.....	$885,122,398	~~$1,133,349,638~~ *$1,099,118,611*		
Trust and Agency.....	$180,022,228	~~$199,607,935~~ *$1,218,591,665*		

Authority: Title 33.1, Chapter 1; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

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A. Included in the amounts for dedicated and statewide construction is $15,000,000 the first year and $an amount determined by the Commonwealth Transportation Board, not less than $15,000,000 and not to exceed $200,000,000 the second year from the Commonwealth Transportation Fund, which shall be allocated to localities for revenue sharing. No additional amount shall be appropriated from the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds for this program.

B. Notwithstanding § 33.1-23.1 of the Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the system and locality where the residue property is located. This funding shall be provided as an increase to the allocations distributed to the systems and localities according to § 33.1-23.1 of the Code of Virginia.

C. The Director, Department of Planning and Budget, is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds.

D. Included in the amounts for dedicated and statewide construction is the reappropriation of $81,200,000 the first year and $64,000,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to FY 2011 and FY 2012 estimated revenues.

E. Projects being developed and procured through adopted state, local or regional design-build provisions, other than those required by § 33.1-12(2)(b), Code of Virginia, may be considered for funding from the Transportation Partnership Opportunity Fund. In addition, an application requesting funding from the fund shall be limited to requesting only one form of assistance and the limitations included in § 33.1-221.1:8(E), Code of Virginia.

F. Upon issuance of a resolution by a local governing body that a property has been designated for school construction, and upon presentation of such resolution to the Commonwealth Transportation Board with an accompanying notification that such project is ready to move forward, the Commonwealth Transportation Board shall immediately reduce the speed limit on abutting primary and secondary roadways to 35 miles per hour or less.

G. 1. Of the amounts contained in this Item, $32,700,000 the first year *and $38,562,713 the second year* from the general fund shall be deposited in the Virginia Transportation Infrastructure Bank, created pursuant to legislation passed during the 2011 Session of the General Assembly, to provide direct loans to private and governmental entities for the construction and capital maintenance of the Commonwealth's transportation infrastructure and transit systems. In addition, $250,000,000 from the Commonwealth Transportation Fund shall be deposited into the Virginia Transportation Infrastructure Bank. *$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.*

2. These funds are not to be distributed through formulas designated by the Code of Virginia for the Commonwealth Transportation Fund or the Transportation Trust Fund. Notwithstanding § 33.1-23.03:2, Code of Virginia, the FY 2010 general fund surplus *and the FY 2011 general fund surplus* designated in accordance with § 2.2-1514, Code of Virginia, shall be used for the loan program.

3. The Secretary of Transportation and the Secretary of Finance are authorized to structure a program for the purpose of loaning the general and nongeneral fund appropriation to localities, governmental entities and authorities, railroads, transit companies, and private sector companies.

4. Notwithstanding any other provision of law, this item shall be the sole authority for capitalizing the bank. As a condition of this appropriation, and prior to the transfer of any general funds or Commonwealth Transportation funds to the bank, the Secretary of Transportation shall certify in writing to the Governor and the Chairman of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation a plan that shall include, but not be limited to, identification of any specific project or program balance to be transferred to the bank as well as the corresponding fund

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source.

H. Included in the appropriation for this Item is $50,000,000 the second year from the Commonwealth Transportation Fund for deposit into the Transportation Partnership Opportunity Fund.

I. Included in the amounts for dedicated and statewide construction the second year is funding provided for non-federal qualifying construction to be allocated based on Commonwealth Transportation Board priorities.

J. From the amounts in this item, the department shall provide funding to implement the provisions of Senate Bill 952 as adopted by the 2011 General Assembly.

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 § 33.1-23:03:2, Code of Virginia. This funding shall only be used for the operation and capital needs of Virginia intercity passenger rail services.

453. Highway System Maintenance and Operations (60400) ...			$1,345,265,474	~~$1,389,693,873~~ *$1,412,550,772*
Interstate Maintenance (60401)	$345,261,314	~~$364,165,819~~ *$356,588,745*		
Primary Maintenance (60402)	$456,737,329	~~$472,612,895~~ *$470,176,380*		
Secondary Maintenance (60403)	$345,283,569	~~$350,819,285~~ *$373,198,620*		
Transportation Operations Services (60404).....	$120,617,998	~~$124,260,622~~ *$138,826,867*		
Highway Maintenance Operations, Program Management and Direction (60405).....	$77,365,264	~~$77,835,252~~ *$73,760,160*		
Fund Sources: Commonwealth Transportation	$1,345,265,474	~~$1,389,693,873~~ *$1,412,550,772*		

Authority: Title 33.1, Chapter 1, Code of Virginia.

B. Out of the funds provided in this program, an amount estimated at $177,790,007 the first year and ~~$194,533,826~~*$167,306,247* the second year from federal funds shall be used to address the maintenance of pavements and bridges and the operations of the transportation system. These funds shall be matched by other funds appropriated to this Item.

C. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.

D. Should federal law be changed to permit privatization of rest area operations, the Department is hereby authorized to accept or solicit proposals for their development and/or operation under the Public Private Transportation Act.

E. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.

F. Prior to undertaking any network capacity improvements or other enhancements to roads intersecting with State Route 193 ("Georgetown Pike"), including the intersection with State Route 7, the Commissioner, in coordination with the Director of the Department of Historic Resources, shall ensure that any proposed improvements respect the historic nature of Georgetown Pike.

454. Commonwealth Toll Facilities (60600)			$49,055,893	$49,738,455
Toll Facility Debt Service (60602)	$9,498,100	~~$3,193,850~~		

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		$7,116,342		
Toll Facility Maintenance and Operation (60603)	$6,136,533	~~$13,355,534~~		
		$9,433,042		
Toll Facilities Revolving Fund (60604)	$33,421,260	$33,189,071		
Fund Sources: Commonwealth Transportation	$33,421,260	~~$33,189,071~~		
		$43,049,407		
Trust and Agency	$6,327,814	$6,689,048		
Debt Service	$9,306,819	~~$9,860,336~~		
		$0		

Authority: §§ 33.1-23.03:1 and 33.1-267 through 33.1-295, Code of Virginia.

A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.

B. Funds as appropriated are provided for other toll facility initiatives as needed during the biennium including but not limited to funding activities to advance projects pursuant to the Public-Private Transportation Act.

455. Financial Assistance to Localities for Ground Transportation (60700)			$367,149,862	~~$380,993,165~~
				$379,714,477
Financial Assistance for City Road Maintenance (60701)	$306,038,172	$318,241,699		
Financial Assistance for County Road Maintenance (60702)	$46,269,449	~~$48,120,227~~		
		$48,341,539		
Financial Assistance for Planning, Access Roads, and Special Projects (60704)	$14,842,241	~~$14,631,239~~		
		$13,131,239		
Fund Sources: Commonwealth Transportation	$367,149,862	~~$380,993,165~~		
		$379,714,477		

Authority: Title 33.1, Chapter 1, Code of Virginia.

A. Notwithstanding §§ 33.1-23.5:1 and 33.1-41.1, Code of Virginia, the Department of Transportation shall adjust for inflation the payments made as part of Financial Assistance to Localities distributions and report such inflation adjustment to the Commonwealth Transportation Board.

B. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, $7,000,000 the first year and ~~$7,000,000~~*$5,500,000* the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.1-221, 33.1-221.1:1, and 33.1-223, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be $1,500,000 the first year ~~and $1,500,000 the second year~~.

C. Out of the amounts for Financial Assistance for Planning, Access Roads, and Special Projects, $50,000 the first year and $50,000 the second year from the Commonwealth Transportation Fund shall be provided to support the transportation planning activities of the Northern Virginia Transportation Authority. The authority shall comply with all applicable federal and state regulations to receive the funds.

D. For any city or town that assumes responsibility for its construction program as outlined in § 33.1-23.3 D, Code of Virginia, the matching highway fund requirement contained in § 33.1-44, Code of Virginia, shall be waived for all new projects approved on or after July 1, 2005.

E. The Department of Transportation is encouraged to promote the construction and improvement of primary and secondary highways by counties, consistent with Section 33.1-75.3 of the Code of Virginia, whether or not such improvements are contained in the Six-Year

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	Improvement Program or Plan. If such improvements are not contained in the Six-Year Improvement Program or Plan, the counties may not seek reimbursement from the department for the improvements.				
456.	Non-Toll Supported Transportation Debt Service (61200)			$235,530,078	~~$243,422,015~~ *$257,741,760*
	Highway Transportation Improvement District Debt Service (61201)	$7,528,835	$7,529,625		
	Designated Highway Corridor Debt Service (61202)	$79,084,756	$83,091,256		
	Federal Highway Revenue Anticipation Notes Debt Service (61203)	$112,005,441	$98,584,053		
	Commonwealth Transportation Capital Projects Bond Act Debt Service (61204)	$36,911,046	~~$54,217,081~~ *$68,536,826*		
	Fund Sources: General	$12,000,000	$68,000,000		
	Trust and Agency	$223,530,078	~~$167,141,927~~ *$181,461,672*		
	Federal Trust	$0	$8,280,088		

Authority: Titles 15, 33, and 58 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; and Chapter 896, Acts of Assembly of 2007

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002 (the "District Contract").

2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.

3. The contract payments may be supplemented from primary funds allocated to the highway construction district in which the project financed is located, or from the secondary system construction allocation to the county or counties in which the project financed is located, and from any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2002 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2002 Bonds shall be made available in the amounts indicated in paragraph E of this Item.

B.1. Out of the amounts for Designated Highway Corridor Construction, $12,000,000 the first year and $68,000,000 the second year, a total of $80,000,000 for the biennium, from the general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 58.1-815, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at $20,000,000 the first year and $4,000,000 the second year, a total of $24,000,000 for the biennium, shall be transferred from the highway share of the Transportation Trust Fund.

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2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

3. The commissioner shall report on or before July 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the cash balances in the Route 58 Corridor Development Fund. In addition, the report shall include the following program-to-date information: (i) a comparison of actual spending to allocations by project and district; (ii) expenditures by project, district, and funding source; and (iii) a six-year plan for planned future expenditures from the Fund by project and district.

C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 58.1-815.1, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:

a. Amounts transferred from Item 255 of this act to this Item.

b. An amount estimated at $8,000,000 the first year and $8,000,000 the second year, which shall be transferred from the highway share of the Transportation Trust Fund.

c. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 58.1-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at $5,500,000 the first year and $5,500,000 the second year.

d. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be $816,000 the first year and $816,000 the second year.

2. The Fund shall support the issuance of bonds at a total authorized level of $500,200,000 for the purposes provided in the "Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.

3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

4. Should the actual distribution of recordation taxes to the localities set forth in § 58.1-815.1, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § 33.1-221.1:3, Code of Virginia.

5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.

D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds transferred from Item 255 of this act to this Item, and an amount estimated at $1,500,000 the first year and $1,500,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose provided in the "Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994," Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the "Oak

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Grove Connector Act").

2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.

3. Should the actual distribution of recordation taxes and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.

E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:

	FY 2011	**FY 2012**
Transportation Contract Revenue Refund Bonds, Series 2002 (Route 28)	$7,528,835	$7,529,625
Commonwealth of Virginia Transportation Revenue Bonds: U.S. Route 58 Corridor Development Program:		
Series 2001B	$3,760,113	$3,758,563
Series 2002 B (Refunding)	$7,234,938	$7,235,688
Series 2003A (Refunding)	$9,916,775	$9,911,725
Series 2004B	$23,086,913	$23,088,263
Series 2006C	$3,173,000	$3,173,000
Series 2007B	$4,197,750	$4,197,750
Northern Virginia Transportation District Program:		
Series 2001A	$2,822,413	$2,826,213
Series 2002A	$12,359,444	$12,358,944
Series 2004A	$8,294,750	$8,289,250
Series 2006B	$973,363	$973,363
Series 2007A	$4,526,600	$4,535,600
Series 2009A-1	$2,206,150	$2,207,350
Series 2009A-2	$3,305,799	$3,305,799
Transportation Program Revenue Bonds: Series 2006A (Oak Grove Connector, City of Chesapeake)	$2,226,750	$2,229,750
Capital Projects Revenue Bonds:		
Series 2010A-1	$17,181,308	$16,927,750
Series 2010A-2	$19,729,738	$20,351,592

F.1. Out of the amounts provided for this Item, an estimated $112,005,441 the first year and $98,584,053 the second year shall be provided from federal highway and highway assistance reimbursements for the debt service payments on the Federal Highway Reimbursement Anticipation Notes.

2. Notwithstanding Chapters 1019 and 1044, Acts of Assembly of 2000, this act, or any other provision of law, any additional amounts needed to offset the debt service payment requirements on the Transportation Trust Fund attributable to the issuance of Federal Highway Reimbursement Anticipation Notes shall be provided from the Priority Transportation Fund to the extent available and then from the portion of the Transportation Trust Fund available for highway construction purposes prior to making the allocations required by § 33.1-23.1 B of the Code of Virginia.

G. Out of the amounts provided for this Item, an estimated $37,000,000 the first year and $58,100,000 the second year shall be provided from the Priority Transportation Fund for debt

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service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.

H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the State Revenue Bond Act (§ 33.1-267 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed $180,000,000, after all costs. The net proceeds of the Bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

457. Administrative and Support Services (69900).....			$217,440,499	~~$224,347,182~~ *$215,656,062*
General Management and Direction (69901).....	$125,566,212	~~$117,977,903~~ *$108,386,783*		
Information Technology Services (69902).....	$69,414,567	~~$83,546,946~~ *$84,446,946*		
Facilities and Grounds Management Services (69915).....	$13,554,435	$13,852,756		
Employee Training and Development (69924).....	$8,905,285	$8,969,577		
Fund Sources: Commonwealth Transportation.....	$217,440,499	~~$224,347,182~~ *$215,656,062*		

Authority: Title 33.1, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Transportation Trust Fund.

D. Notwithstanding any other provision of law, the Department may assess and collect the costs of providing services to other entities, public and private. The Department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the Commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the Commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the Commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities. The department shall adhere to provisions of paragraphs B.2. and B.3. of Item 462.05 of Chapter 781, 2009 Acts of Assembly.

F.1. Any action to modernize and integrate the automated systems of the Department of Transportation shall be based on a plan that includes developing the integrated system in phases, or modules. When such plan is approved and to minimize the financial impact, the Department may incrementally budget for the modernization.

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2. The Department of General Services, the Department of the Treasury, the Department of Human Resource Management, the Department of Planning and Budget, and the Department of Accounts shall support the system modernization effort of the Department of Transportation through the adoption of statewide data standards. These data standards shall include, but not be limited to, vendor tables, agency identification information, state employee identification information, charts of accounts, receiving information, invoice information, purchase information including commodity codes, and any other essential data standards necessary to conduct business. The Departments of General Services, Treasury, Human Resource Management, Planning and Budget, and Accounts shall provide the Chief Information Officer (CIO) of the Virginia Information Technologies Agency and the Department of Transportation with such data standards by July 1, 2010, and the CIO shall utilize these data standards to develop the Commonwealth's data standards. Within 60 days following completion of data standards development, the CIO shall present such data standards to the Secretary of Technology for approval as provided in § 2.2-225, Code of Virginia. Upon approval by the Secretary of Technology, the Commonwealth shall use such data standards for all new Commonwealth information systems implementation projects including, but not limited to, Commonwealth enterprise application initiatives.

G. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency and approved by the Federal Highway Administration.

H. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.

I. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at $7,800,000 the first year and $7,800,000 the second year shall be provided from Commonwealth Transportation Funds.

J. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.

K.1. The Secretary of Transportation, the Secretary of Administration, the Commissioner, Virginia Department of Transportation, and Director, Department of General Services, shall conduct an assessment of properties owned by the Virginia Department of Transportation that are not in active use by the Department to identify facilities that could be returned to private use. Such report shall include an estimate of the revenues that would be generated by the sale of unused properties that are proposed to be sold and/or leased as well as recommendations of facilities to sell or lease. The findings of this examination shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2010.

2. The Virginia Department of Transportation is directed to proceed with the sale of the closed Culpeper Residency Office in Culpeper, Virginia. If no contract has been entered into for such sale by December 1, 2010, the Commissioner, Virginia Department of Transportation, shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the status of the property, the assumed sale price and what actions he is taking to expedite the sale of such property.

458. Not set out.

Total for Department of Transportation.....			**$3,366,406,612**	**~~$3,698,593,661~~** ***$4,777,552,026***
Nongeneral Fund Positions.....	7,500.00	7,499.00		
Position Level	7,500.00	7,499.00		
Fund Sources: General.....	$44,700,000	~~$68,000,000~~ *$135,241,000*		
Commonwealth Transportation	$2,902,519,673	~~$3,239,014,327~~ *$3,227,288,553*		

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	Trust and Agency	$409,880,120	~~$373,438,910~~ *$1,406,742,385*		
	Debt Service	$9,306,819	~~$9,860,336~~ *$0*		
	Federal Trust	$0	$8,280,088		
459.	Not set out.				
460.	Not set out.				
461.	Not set out.				
462.	Not set out.				
463.	Not set out.				
464.	Not set out.				
	TOTAL FOR OFFICE OF TRANSPORTATION			**$4,123,850,932**	**~~$4,535,069,924~~** ***$5,614,028,289***
	Nongeneral Fund Positions	9,797.00	9,797.00		
	Position Level	9,797.00	9,797.00		
	Fund Sources: General	$45,680,246	~~$68,980,246~~ *$136,221,246*		
	Special	$67,572,237	$116,237,731		
	Commonwealth Transportation	$3,514,740,557	~~$3,881,601,660~~ *$3,869,875,886*		
	Trust and Agency	$453,826,720	~~$417,385,510~~ *$1,450,688,985*		
	Debt Service	$9,306,819	~~$9,860,336~~ *$0*		
	Federal Trust	$32,724,353	$41,004,441		

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	CENTRAL APPROPRIATIONS				
	§ 1-34. CENTRAL APPROPRIATIONS (995)				
465.	Not set out.				
465.10.	Not set out.				
466.	Not set out.				
467.	Not set out.				
468.	Not set out.				
469.	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;

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

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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 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 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.

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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 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

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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.

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.

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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 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 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.

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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.

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 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.

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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 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 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

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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 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 FY 2010 exceeding the official FY 2010 revenue estimate contained in the first enactment of HB 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 FY 2010. If the combination of additional general fund revenue collections and year-end general fund balances recommended for reversion by the Governor for FY 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 FY 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 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.

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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.

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 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 within the preceding twelve-month 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.

470. Payments for Special or Unanticipated Expenditures (75800)			$28,086,976	~~$30,403,439~~ *$55,679,403*
Miscellaneous Contingency Reserve Account (75801)	$1,500,000	~~$1,500,000~~ *$4,500,000*		
Undistributed Support for Designated State Agency Activities (75806)	$26,586,976	~~$28,903,439~~ *$51,179,403*		
Fund Sources: General	$28,086,976	~~$30,403,439~~ *$55,679,403*		

Authority: Discretionary Inclusion.

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed $2,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to

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provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

a. Agencies in the Legislative and Judicial Departments;

b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the State Lottery Department, Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;

c. The Office of the Attorney General and the Department of Law; and

d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to $1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this Item is included $1,200,000 the first year and $1,200,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

1. To address the six conditions listed in § 4-1.03 c 5 of this act.

2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.

3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.

4. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.

5. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to $1,000,000 the first year and $1,000,000 the second year from the general fund amounts appropriated for the Governor's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.4. of this item.

6. To make additional payments to public institutions of higher education pursuant to Item 467 of this Act, up to a maximum of $1,000,000, in the event that amounts appropriated for that

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purpose are insufficient.

7. To provide a payment of up to $100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.

E. Included in this appropriation is $300,000 the first year and $300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 58, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 58, Paragraph B of this act.

G. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.

H.1 Out of the appropriation for this Item, up to $26,586,166 the first year and ~~$28,658,439~~*$20,322,132* the second year from the general fund is provided to state agencies for costs incurred as the result of changes to service rates for information technology services charged by the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies based upon information provided by the Virginia Information Technologies Agency. Also, the Director, Department of Planning and Budget, is authorized to transfer funds between Executive Branch agencies based on these service rates approved by the Joint Legislative Audit and Review Commission. Transfers may be made if current funding exceeds actual charges.

2.a. Should the provision of the general fund support for addressing the costs incurred from changes in service rates for information technology services provided by the Virginia Information Technologies Agency be insufficient to address all of the anticipated needs of impacted state agencies, no changes shall be made to the allocation of any amounts provided for state agencies receiving less than $1,000,000 in additional funding to address the impact of such service rate changes.

b. Unless an agency can demonstrate greater need, in accordance with the following provisions describing information technology needs assessments, no more than 97 percent of each agency's share of its identified impact amount in the second year, as determined by the Department of Planning and Budget, shall be transferred.

c. This savings incentive program is established to control information technology services costs and to minimize or obviate the associated general fund transfers. To promote information technology cost control, state agencies shall perform a Comprehensive Information Technology Assessment. The assessments shall include, but are not limited to, consideration of the following actions: (1) Implement a print/paper output reduction program; This program should focus on reducing the overall volume of print output, reducing the number of dedicated desktop printers and increased utilization of multi-function output devices; (2) Limit purchase of laptop computers to mobile workers; (3) Perform cost/benefit analyses of purchasing "standard"; versus "premium"; equipment, with justification for selecting "premium"; (4) Implement best practices for wireless device usage, including conversion of all wireless devices to new, state-wide contracts; (5) Implement best practices for data storage; (6) Convert long-term (greater than one year), critical-need information technology contractor positions to classified employee positions; (7) Consolidate stand-alone data centers to the Commonwealth Enterprise Solutions Center and where possible utilize increased use of virtualized servers; and (8) Deploy technologies that reduce an agency's total expenses, improve citizen interactions, and improve employee productivity and job satisfaction. Such technologies include but are not limited to increased use of electronic forms, electronic signatures and automated workflows.

d. The Comprehensive Information Technology Assessment and implementation plan shall be completed by the agency head or governing body, and submitted to the Chief Information Officer by September 1, 2011.

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e. The Virginia Information Technologies Agency shall make available on its website, upon enactment of this act, documentation on information technology best practices as well as provide programmatic guidance to state agencies in the preparation of the Comprehensive Information Technology Assessment and in the execution of the assessment's recommendations.

I. Out of the appropriation for this Item, up to ~~$245,000~~*$711,236* the second year from the general fund is provided to state agencies for costs incurred as the result of an internal service fund established within the Department of Accounts to cover ongoing operational and maintenance costs of the Performance Budgeting System, an enterprise application of the Commonwealth. The Director, Department of Planning and Budget, is authorized to transfer these funds to the impacted state agencies ~~based upon user licensing information for the system~~.

J. Out of the appropriation for this Item, the Director, Department of Planning and Budget, may transfer to the State Board of Elections up to $3,000,000 the second year from the general fund to cover the costs associated with the 2012 presidential primary. Out of this amount, up to $2,730,000 may be used by the State Board of Elections to reimburse localities for their presidential primary expenditures and up to $270,000 may be used to cover costs incurred directly by the State Board of Elections.

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 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 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

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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.

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.

471. Not set out.

472. Not set out.

473. Miscellaneous Reversion Clearing Account (22600)			($1,005,788)	~~($1,030,600)~~ *($1,151,992)*
Designated Reversions From Agency Appropriations (22601)	($1,005,788)	~~($1,030,600)~~ *($1,151,992)*		
Fund Sources: General	($1,005,788)	~~($1,030,600)~~ *($1,151,992)*		

Authority: Discretionary Inclusion.

A. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at $80,632 the first year and $80,632 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from reductions in rates charged to agencies serviced under the Master Lease plan administered by the Division of Real Estate Services of the Department of General Services.

B.1. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at $186,355 the first year and $186,355 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from a reduction in the rate charged to agencies for purchases made under the statewide purchase and supply system administered by the Department of General Services.

2. Pursuant to § 3-1.01 of this act, amounts estimated at $164,885 the first year and $164,885 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the reduction in the rate charged to agencies for purchases made under the statewide purchase and supply system administered by the Department of General Services.

C. The Director, Department of Planning and Budget shall withhold and transfer to this Item amounts estimated at $187,500 the first year and $187,500 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings resulting from reductions in printing costs.

D.1. The Director, Department of Planning and Budget shall transfer to this Item, amounts estimated at $551,301 the first year and $218,223 the second year, from the general fund appropriations of state agencies, representing savings resulting from a reduction in the rate charged to agencies by Virginia Dominion Power.

2. Pursuant to § 3-1.01 of this act, amounts estimated at $523,843 the first year and $207,355 the second year shall be transferred from eligible nongeneral fund accounts to the general fund, representing nongeneral fund savings associated with the reduction in the rate charged to state agencies by Virginia Dominion Power. Of this amount, $149,982 the first year and $59,368 the second year is reserved for federal reversion upon request, to be transferred by the State Comptroller.

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E. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at $357,890 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings realized through the elimination of organizational memberships held by state agencies and institutions of higher education or the negotiated reduction in annual membership dues.

F. The Director, Department of Planning and Budget shall withhold and transfer to this Item, amounts estimated at $121,392 the second year from the general fund appropriations of state agencies, representing savings realized through Northrop Grumman credits associated with the information technology outage in August of 2010.

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.

L. In addition to the reversions required in Item 52 of this act, the State Comptroller shall transfer, on or before June 30, 2012, to the general fund additional savings from within the Judicial Department of $700,000.

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

N. 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*

473.10. Not set out.

ITEM 473.10.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
~~473.20. Higher Education Reversion Clearing Account (11700)~~...			~~$0~~	~~($10,000,000)~~
~~Fund Sources: General~~	~~$0~~	~~($10,000,000)~~		
Total for Central Appropriations			**$61,647,846**	~~**$115,965,586**~~ ***$156,120,158***
Fund Sources: General	($28,685,743)	~~$26,708,386~~ *$66,862,958*		
Higher Education Operating	$2,118,543	$898,000		
Trust and Agency	$88,215,046	$88,359,200		
TOTAL FOR CENTRAL APPROPRIATIONS			**$61,647,846**	~~**$115,965,586**~~ ***$156,120,158***
Fund Sources: General	($28,685,743)	~~$26,708,386~~ *$66,862,958*		
Higher Education Operating	$2,118,543	$898,000		
Trust and Agency	$88,215,046	$88,359,200		
TOTAL FOR EXECUTIVE DEPARTMENT			**$37,958,071,011**	~~**$38,526,035,134**~~ ***$39,308,375,384***
General Fund Positions	49,563.28	~~49,491.37~~ *49,492.37*		
Nongeneral Fund Positions	59,025.92	~~59,540.53~~ *59,541.53*		
Position Level	108,589.20	~~109,031.90~~ *109,033.90*		
Fund Sources: General	$14,982,112,142	~~$16,072,599,833~~ *$15,865,048,157*		
Special	$1,650,757,761	~~$1,700,394,045~~ *$1,703,244,045*		
Higher Education Operating	$6,658,440,351	~~$6,671,470,189~~ *$6,671,905,789*		
Commonwealth Transportation	$3,528,498,887	~~$3,895,243,002~~ *$3,883,517,228*		
Enterprise	$819,304,403	$824,504,403		
Internal Service	$0	$290,000		
Trust and Agency	$2,259,671,261	~~$2,004,073,935~~ *$3,074,602,410*		
Debt Service	$255,741,255	~~$259,588,301~~ *$249,727,965*		
Dedicated Special Revenue	$753,654,566	~~$765,482,452~~ *$749,469,329*		
Federal Trust	$7,049,890,385	~~$6,332,388,974~~ *$6,286,066,058*		

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INDEPENDENT AGENCIES

474. Not set out.

475. Not set out.

476. Not set out.

477. Not set out.

478. Not set out.

479. Not set out.

480. Not set out.

481. Not set out.

482. Not set out.

§ 1-35. VIRGINIA RETIREMENT SYSTEM (158)

483.	Personnel Management Services (70400)		$10,680,391	$10,680,391
	Administration of Retirement and Insurance Programs (70415)	$10,680,391	$10,680,391	
	Fund Sources: Trust and Agency	$10,680,391	$10,680,391	

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. The Board of Trustees of the Virginia Retirement System is hereby authorized to charge a participation fee to each employer served by the Virginia Retirement System for any services provided pursuant to Title 51.1 of the Code of Virginia. The fee shall be utilized to pay the administrative expenses of all administrative services, including non-retirement programs. Retirement contributions required by the Board shall be reduced to pay such fees in a manner prescribed by the Board of Trustees.

B. State agencies and institutions of higher education shall make payments to the Virginia Retirement System for retirement contributions, Virginia Sickness and Disability Program contributions, and retiree healthcare credit contributions on a quarterly basis. Beginning July 1, 2011, state agencies and institutions of higher education shall make payments to the Virginia Retirement System (VRS) for VRS-administered benefits no less often than monthly.

C. Any person included in the membership of a retirement system provided by Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.) of Title 51.1, Code of Virginia, who (i) rendered at least 15 years of total creditable service as a local officer as defined in § 51.1-124.3 or as an employee of a local social services board and (ii) after terminating service as a local officer or employee of a local social service board, was employed by a local government that does not elect to provide a health insurance credit under § 51.1-1402, shall be eligible for the credit provided by § 51.1-1403, provided that the retired employee is participating in a health insurance plan. The Commonwealth shall be charged with the credit as provided for in subsection A of § 51.1-1403. In such case, the health insurance credit shall be determined based upon the amount of state service or service as a local officer or employee of a local social service board, whichever is greater.

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.

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484.	Not set out.				
485.	Not set out.				
486.	Not set out.				
	Total for Virginia Retirement System			**$59,943,622**	**$53,845,797**
	Nongeneral Fund Positions	301.00	301.00		
	Position Level	301.00	301.00		
	Fund Sources: Trust and Agency	$59,943,622	$53,845,797		
487.	Not set out.				
488.	Not set out.				
489.	Not set out.				
490.	Not set out.				
	TOTAL FOR INDEPENDENT AGENCIES			**$513,153,440**	**$529,429,266**
	Nongeneral Fund Positions	1,636.12	1,635.12		
	Position Level	1,636.12	1,635.12		
	Fund Sources: Special	$79,174,663	$79,174,663		
	Enterprise	$326,821,000	$349,144,651		
	Trust and Agency	$66,800,563	$60,702,738		
	Dedicated Special Revenue	$35,819,254	$35,819,254		
	Federal Trust	$4,537,960	$4,587,960		

ITEM 491.	Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
STATE GRANTS TO NONSTATE ENTITIES				
491. Not set out.				
TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES			**$0**	**$0**
TOTAL FOR PART 1: OPERATING EXPENSES			**$38,982,728,163**	**~~$39,567,009,510~~** ***$40,351,074,760***
General Fund Positions	53,330.49	~~53,258.58~~ *53,259.58*		
Nongeneral Fund Positions	60,794.54	~~61,308.15~~ *61,309.15*		
Position Level	114,125.03	~~114,566.73~~ *114,568.73*		
Fund Sources: General	$15,457,461,495	~~$16,548,024,211~~ *$16,342,197,535*		
Special	$1,742,780,572	~~$1,792,383,229~~ *$1,795,233,229*		
Higher Education Operating	$6,658,440,351	~~$6,671,470,189~~ *$6,671,905,789*		
Commonwealth Transportation	$3,528,498,887	~~$3,895,243,002~~ *$3,883,517,228*		
Enterprise	$1,146,125,403	$1,173,649,054		
Internal Service	$0	$290,000		
Trust and Agency	$2,326,716,020	~~$2,065,020,869~~ *$3,135,549,344*		
Debt Service	$255,741,255	~~$259,588,301~~ *$249,727,965*		
Dedicated Special Revenue	$810,861,450	~~$822,689,336~~ *$806,676,213*		
Federal Trust	$7,056,102,730	~~$6,338,651,319~~ *$6,292,328,403*		

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PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to $1,000,000 for a single repair or project through the maintenance reserve appropriation without a separate appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold or state agency has identified a potential project that exceeds the threshold prescribed in the rules or regulations, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The General Assembly hereby authorizes the capital projects listed in §§ 2-26*,* ~~and~~ 2-27*, and 2-28* for the indicated agencies and institutions of higher education and hereby appropriates and reappropriates therefore sums from the sources and in the amount indicated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-26*,* ~~and~~

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2-27*, and 2-28* is hereby authorized.

2. The issuance of bonds for any project listed in § 2-2~~6~~*7* is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in Item ~~C-88~~ ~~or~~ C-89 shall be authorized pursuant to § 23-19, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-26*,* ~~and~~ 2-27*, and 2-28* shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-26*,* ~~and~~ 2-27*, and 2-28* for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-26*,* ~~and~~ 2-27*, and 2-28* for such capital project.

5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in Item C-88 of § 2-2~~6~~*7* of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of ~~any~~ *such* project ~~listed~~ ~~in~~ ~~Item~~ ~~C-89~~ under the authorization of § 2-2~~7~~*8* of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.

2. Equipment purchases have been authorized by the Governor but not received.

3. Plans and specifications have been authorized by the Governor but not completed.

4. Obligations were outstanding at the end of the previous biennium.

H. The Department of Planning and Budget is hereby authorized to administratively appropriate any nongeneral fund component of any capital project authorized in Chapters 859/827 (2002), Chapters 884/854 (2002), or Chapters 887/855 (2002).

I. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

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a. a description of the purpose to be achieved by the proposal;

b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;

c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;

d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and

e. a recommendation and planned course of action based on this analysis.

J. Conditions Applicable to Alternative Financing

1. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

a. A member of the agency or institution's governing body;

b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or

c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

K. The budget bill submitted by the Governor shall include a synopsis of previous appropriations for capital projects from the General Assembly and authorizations by the Governor for such projects.

L. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

M. Any capital project that has received a supplemental appropriation due to cost overruns must be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

N. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

O. The Governor shall provide the Chairmen of the Senate Finance and House Appropriations Committees an opportunity to review the six year capital improvement plan prior to the beginning of each new biennial budget cycle.

P. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

Q. On or before June 30, 2012, the State Comptroller shall revert the following amounts from the agency, fund code, and project code listed.

Agency Name/Project Title	Fund	Project Code	Amount
Central Capital (949)	0965	17777	$4,599,500
Central Capital (949)	0100	16170	$234,456
Department of General Services	*0100*	*14008*	*$134*

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Longwood University (214)	0817	17317		$4,295,000	
Virginia State University	*0100*	*16799*		*$3,350*	
Department of Blind and Vision Impaired	0100	13942		~~$20,394~~	
				$20,934	
Department of Forensic Science	0100	16320		$50,000	
Department of Juvenile Justice	0100	15081		$37,493	
Marine Resources Commission	0100	16498		$5,779	
Radford University	0100	12731		$37,725	
Science Museum of Virginia	0100	13634		$231	
Science Museum of Virginia	*0100*	*16783*		*$6,005*	
Department of State Police	0100	10886		$2,258	
Department of Veterans Services	0100	17073		$85,402	

R. From the amounts reverted from the Longwood University capital project 17317, Construct Addition and Renovate Bedford Hall, $3,000,000 is reauthorized to James Madison University capital project 17672, Boiler Replacement and Infrastructure, Phase 1, to cover project cost overruns.

S. All Agencies of the Commonwealth and Institutions of Higher Education shall provide information and/or use systems and processes in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

T. The Director, Department of General Services, and the Director, Department of Planning and Budget shall report to the Chairmen of the House Appropriations and Senate Finance Committees by March 1, 2012, on the impact of increasing capital outlay project thresholds from $1,000,000 to $2,000,000 and energy-efficiency projects thresholds from $3,000,000 to $7,000,000 as provided in Item 4-4.01 of this act.

U. The authorization provided under Chapter 1, 2008 Acts of Assembly, Special Session 1, for bond funding from the Virginia Public Building Authority for the Woodrow Wilson Rehabilitation Center capital project 16969, Renovate Harold E. Watson Kitchen and Dining Hall, is rescinded.

OFFICE OF ADMINISTRATION

C-1. Not set out.

C-1.10. Not set out.

TOTAL FOR OFFICE OF ADMINISTRATION			**$0**	**$7,300,000**
Fund Sources: Bond Proceeds	$0	$7,300,000		

OFFICE OF AGRICULTURE AND FORESTRY

§ 2-35.1. DEPARTMENT OF FORESTRY (411)

C-1.50. New Construction: Construct Matthews State Forest Education and Conference Center (17932)			*$0*	*$2,000,000*
Fund Sources: Trust and Agency	*$0*	*$2,000,000*		
Total for Department of Forestry			***$0***	***$2,000,000***
Fund Sources: Trust and Agency	*$0*	*$2,000,000*		
TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY			***$0***	***$2,000,000***
Fund Sources: *Trust and Agency*	*$0*	*$2,000,000*		

ITEM C-2.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
	OFFICE OF COMMERCE AND TRADE				
C-2.	Not set out.				
	TOTAL FOR OFFICE OF COMMERCE AND TRADE			**$240,000**	**$0**
	Fund Sources: Special	$240,000	$0		
	OFFICE OF EDUCATION				
	§ 2-1. CHRISTOPHER NEWPORT UNIVERSITY (242)				
C-3.	Not set out.				
C-4.	Not set out.				
C-5.	Not set out.				
C-5.10.	~~Planning: Student Success Center (17872)~~			$500,000	~~$1,000,000~~
	New Construction: Student Success Center (17872)				*$3,000,000*
	Fund Sources: Higher Education Operating	$500,000	~~$1,000,000~~ *$3,000,000*		
	~~This appropriation provides funding to conduct preplanning for the construction of a Student Success Center. Christopher Newport University is authorized to use up to $1,500,000 of nongeneral funds for which it shall be reimbursed when the project is funded to move into the construction phase.~~				
	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 $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.				
C-5.20.	Not set out.				
C-5.30.	Not set out.				
C-5.40.	Not set out.				
C-5.50.	Not set out.				
C-5.60.	Not set out.				
	Total for Christopher Newport University			**$40,500,000**	**~~$13,250,000~~** ***$15,250,000***
	Fund Sources: Special	$0	$2,500,000		
	Higher Education Operating	$500,000	~~$1,000,000~~ *$3,000,000*		
	Bond Proceeds	$40,000,000	$9,750,000		
C-6.	Not set out.				
C-7.	Not set out.				
C-8.	Not set out.				
C-9.	Not set out.				

ITEM C-10.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
C-10.	Not set out.				
C-10.10.	Not set out.				
C-10.40.	Not set out.				
	§ 2-2. GEORGE MASON UNIVERSITY (247)				
C-11.	Not set out.				
C-12.	Not set out.				
C-13.	Not set out.				
C-14.	Not set out.				
C-15.	Not set out.				
C-16.	Not set out.				
C-17.	Not set out.				
C-18.	Not set out.				
C-19.	Not set out.				
C-20.	Improvements: Renovate Student Apartments (17844).....			$0	$3,098,000
	Fund Sources: Bond Proceeds.....	$0	$3,098,000		
C-20.50.	Construct Institute for Conflict Analysis and Resolution (16835)			$0	$0
	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 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.				
C-21.	Not set out.				
C-22.	Not set out.				
C-23.	Not set out.				
C-24.	Not set out.				
C-24.10.	Not set out.				
C-24.20.	Not set out.				
C-24.30.	Not set out.				
C-24.40.	Not set out.				
C-24.50.	Not set out.				
	Total for George Mason University.....			**$76,858,293**	**$44,162,000**
	Fund Sources: Federal Trust.....	$10,000,000	$0		
	Bond Proceeds.....	$66,858,293	$44,162,000		

ITEM C-25.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
C-25.	Not set out.				
C-26.	Not set out.				
C-27.	Not set out.				
C-28.	Not set out.				
C-29.	Not set out.				
C-30.	Not set out.				
C-31.	Not set out.				
C-31.10.	Not set out.				
C-32.	Not set out.				
C-33.	Not set out.				
C-33.10.	Not set out.				
	§ 2-3. UNIVERSITY OF MARY WASHINGTON (215)				
C-34.	Not set out.				
C-35.	Not set out.				
C-36.	Not set out.				
C-37.	Not set out.				
C-37.10.	~~New Construction: Construct Dining and Student Center, University of Mary Washington (17909)~~.....			$0	~~$45,000,000~~
	New Construction: Construct Dining and Student Center (17909).....				*$60,000,000*
	Fund Sources: Bond Proceeds.....	$0	~~$45,000,000~~ *$60,000,000*		
	The General Assembly authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to finance, design, construct, demolish or renovate a facility or facilities for a dining and student center on its campus. Such agreement(s) may include a short term ground lease to a private entity during a period of demolition and construction and the use of 9(d) revenue bond proceeds to purchase a newly constructed or renovated facility from a private entity. The project(s) shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to Section 23-19(d)(4) of the Code of Virginia.				
C-37.20.	Not set out.				
	Total for University of Mary Washington.....			**$4,300,000**	~~**$62,300,000**~~ ***$77,300,000***
	Fund Sources: Higher Education Operating.....	$0	$5,300,000		
	Bond Proceeds.....	$4,300,000	~~$57,000,000~~ *$72,000,000*		
C-38.	Not set out.				
C-39.	Not set out.				

ITEM C-39.10.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
C-39.10.	Not set out.				
C-40.	Not set out.				
C-40.10.	Not set out.				
	§ 2-4. RADFORD UNIVERSITY (217)				
C-41.	Not set out.				
C-42.	Not set out.				
C-42.10.	Not set out.				
C-42.20.	*Improvements: Renovate Washington Hall (17948).....*			*$0*	*$10,819,800*
	Fund Sources: Higher Education Operating.....	*$0*	*$10,819,800*		
	Total for Radford University.....			**$58,900,000**	**~~$0~~** ***$10,819,800***
	Fund Sources: Higher Education Operating.....	$58,900,000	~~$0~~ *$10,819,800*		
C-43.	Not set out.				
C-44.	Not set out.				
C-45.	Not set out.				
C-46.	Not set out.				
C-47.	Not set out.				
C-48.	Not set out.				
C-49.	Not set out.				
C-50.	Not set out.				
C-50.05.	Not set out.				
C-51.	Not set out.				
C-52.	Not set out.				
C-53.	Not set out.				
C-54.	Not set out.				
C-55.	Not set out.				
C-55.05.	Not set out.				
C-55.10.	Not set out.				
C-55.20.	Not set out.				
C-56.	Not set out.				
C-57.	Not set out.				
C-58.	Not set out.				

ITEM C-59.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
C-59.	Not set out.				
C-60.	Not set out.				
C-61.	Not set out.				
C-62.	Not set out.				
C-63.	Not set out.				
C-64.	Not set out.				
C-65.	Not set out.				
C-66.	Not set out.				
C-67.	Not set out.				
C-68.	Not set out.				
C-68.10.	Not set out.				
C-68.20.	Not set out.				
C-68.25.	Not set out.				
C-68.50.	Not set out.				
C-69.	Not set out.				
C-70.	Not set out.				
C-70.10.	Not set out.				
C-71.	Not set out.				
C-72.	Not set out.				
	§ 2-5. VIRGINIA STATE UNIVERSITY (212)				
C-73.	Not set out.				
C-73.10.	Acquisition: Acquire Ettrick Property (17312).....			$5,840,000	~~$0~~ *$4,500,000*
	Fund Sources: Higher Education Operating.....	$5,840,000	~~$0~~ *$4,500,000*		
C-73.20.	Not set out.				
C-73.30.	New Construction: Gateway II (17531).....			$0	$0
	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.				
	Total for Virginia State University			**$36,656,000**	~~**$0**~~ ***$4,500,000***
	Fund Sources: Higher Education Operating.....	$5,840,000	~~$0~~ *$4,500,000*		
	Bond Proceeds	$30,816,000	$0		

ITEM C-74.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
C-74.	Not set out.				
C-75.	Not set out.				
C-76.	Not set out.				
	TOTAL FOR OFFICE OF EDUCATION.....			**$702,862,293**	**~~$154,014,000~~** *$186,333,800*
	Fund Sources: General.....	$0	$3,300,000		
	Special.....	$174,000	$2,500,000		
	Higher Education Operating.....	$239,557,000	~~$11,700,000~~ *$29,019,800*		
	Trust and Agency.....	$23,205,000	$787,000		
	Federal Trust.....	$10,000,000	$0		
	Bond Proceeds.....	$429,926,293	~~$135,727,000~~ *$150,727,000*		
	OFFICE OF HEALTH AND HUMAN RESOURCES				
	§ 2-6. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)				
C-76.10.	Not set out.				
C-76.15.	Not set out.				
C-76.20.	*Notwithstanding any other provision of law, after the after the requirements of A.1. of Item C-103.05, Chapter 781, 2009 Acts of Assembly, have been met, surplus funds from project 17458 (Repair/Replace Southeastern Virginia Training Center) shall be made available for the purposes stated in A.3. of Item C-103.05, Chapter 781, 2009 Acts of Assembly.*				
	Total for Department of Behavioral Health and Developmental Services.....			**$0**	**$0**
	TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			**$0**	**$0**
	OFFICE OF NATURAL RESOURCES				
C-76.80.	Not set out.				
C-76.82.	Not set out.				
C-76.85.	Not set out.				
C-76.86.	Not set out.				
	TOTAL FOR OFFICE OF NATURAL RESOURCES			**$0**	**$3,000,000**
	Fund Sources: Dedicated Special Revenue.....	$0	$2,250,000		
	Federal Trust.....	$0	$750,000		
	OFFICE OF PUBLIC SAFETY				
C-77.	Not set out.				
~~C-78.~~	Not set out.				
C-78.05.	Not set out.				
C-78.10.	Not set out.				
C-78.20.	Not set out.				

ITEM C-78.30.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
1 C-78.30.	Not set out.				
2 C-78.40.	Not set out.				
3 C-79.	Not set out.				
4 C-80.	Not set out.				
5 C-80.10.	Not set out.				
6 C-80.15.	Not set out.				
7 C-80.20.	Not set out.				
8 C-80.30.	Not set out.				
9	TOTAL FOR OFFICE OF PUBLIC SAFETY			**$200,000**	**$17,467,000**
10	Fund Sources: General	$0	$5,577,000		
11	Special	$50,000	$2,624,191		
12	Trust and Agency	$0	$3,301,400		
13	Dedicated Special Revenue	$0	$3,474,852		
14	Federal Trust	$150,000	$150,000		
15	Bond Proceeds	$0	$2,339,557		
16	**OFFICE OF TRANSPORTATION**				
17 C-81.	Not set out.				
18 C-82.	Not set out.				
19 C-82.10.	Not set out.				
20 C-83.	Not set out.				
21	TOTAL FOR OFFICE OF TRANSPORTATION			**$4,430,000**	**$19,435,000**
22	Fund Sources: Commonwealth Transportation	$4,430,000	$19,435,000		
23	**CENTRAL APPROPRIATIONS**				
24 C-84.	Not set out.				
25 C-85.	Not set out.				
26 C-85.10.	Not set out.				
27 C-86.	Not set out.				
28 C-87.	Not set out.				
29 C-88.	Not set out.				
30 C-89.	Not set out.				
31 C-89.10.	Not set out.				
32	TOTAL FOR CENTRAL APPROPRIATIONS			**$130,185,718**	**$1,194,040,207**
33	Fund Sources: Bond Proceeds	$130,185,718	$1,194,040,207		
34	TOTAL FOR PART 2: CAPITAL PROJECT				
35	EXPENSES			**$837,918,011**	**~~$1,395,256,207~~**
36					***$1,429,576,007***

ITEM C-89.10.		Item Details($) First Year FY2011	Item Details($) Second Year FY2012	Appropriations($) First Year FY2011	Appropriations($) Second Year FY2012
1	Fund Sources: General	$0	$8,877,000		
2	Special	$464,000	$5,124,191		
3	Higher Education Operating	$239,557,000	~~$11,700,000~~		
4			*$29,019,800*		
5	Commonwealth Transportation	$4,430,000	$19,435,000		
6	Trust and Agency	$23,205,000	~~$4,088,400~~		
7			*$6,088,400*		
8	Dedicated Special Revenue	$0	$5,724,852		
9	Federal Trust	$10,150,000	$900,000		
10	Bond Proceeds	$560,112,011	~~$1,339,406,764~~		
11			*$1,354,406,764*		

	Item Details($)		Appropriations($)	
	First Year FY2011	Second Year FY2012	First Year FY2011	Second Year FY2012

PART 3: MISCELLANEOUS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2011	FY 2012
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	$65,375,769	$65,375,769
c) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	$9,141,363	$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia) For collection by Department of Taxation	$33,878	~~$33,878~~ *$17,308*
3. Peanut Fund (§ 3.1-662, Code of Virginia) For collection by Department of Taxation:	$969	~~$969~~ *$954*
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	$53,108	~~$53,108~~ *$60,364*
b) Soft Drink Excise Tax(§ 58.1-1705, Code of Virginia)	$3,365	~~$3,365~~ *$0*
c) Virginia Litter Tax (§ 58.1-1710, Code of Virginia)	$13,343	~~$13,343~~ *$0*
5. Proceeds of the Tax on Motor Vehicle Fuels For inspection of gasoline, diesel fuel and motor oils	$97,586	$97,586
6. Virginia Retirement System (Trust and Agency) For postage by the Department of the Treasury	$45,000	$45,000
7. Department of Alcoholic Beverage Control (Enterprise) For services by the:		
a) Auditor of Public Accounts	$75,521	$75,521
b) Department of Accounts	$64,607	$64,607
c) Department of the Treasury	$47,628	$47,628
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*
TOTAL	**$74,952,137**	~~**$74,952,137**~~ ***$75,926,100***

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at $46,200,000 the first year and ~~$47,800,000~~ *$55,007,718* the second year.

b. Pursuant to § 4.1-116 B, Code of Virginia, the Department of Alcoholic Beverage Control shall notify the State Comptroller of the amount to be deducted quarterly from the net profits for transfer to the reserve fund established by the cited section.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake B ay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	$7,416,469	$7,416,469

D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts and retention of local mapping services, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at $6,363,191 the first year and ~~$6,195,628~~ *$5,860,764* the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts by the Department of Taxation estimated at $3,037,002 the first year and ~~$2,953,220~~ *$2,787,842* the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer $4,297,420 the first year and $4,297,420 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Code	Agency Name	Fund Group	FY 2011	FY 2012
111	Supreme Court of Virginia	0900	$272,484	$272,484
233	Board of Bar Examiners	0200	$4,719	$4,719
128	Virginia Veterans Care Center Board of Trustees	0200	$23,139	$23,139
232	Department of Minority Business Enterprise	0400	$15,103	$15,103
411	Department of Forestry	0900	$4,342	$4,342
165	Department of Housing and Community Development	0900	$1,180	$1,180
222	Department of Professional and Occupational Regulation	0200	$2,208	$2,208
226	Board of Accountancy	0900	$16,104	$16,104
851	Virginia Tobacco Indemnification and Community Revitalization Commission	0900	$88,077	$88,077
238	Virginia Museum of Fine Arts	0200	$3,195	$3,195
937	Southern Virginia Higher Education Center	0200	$1,359	$1,359
948	Southwest Virginia Higher Education Center	0200	$25,522	$25,522
601	Department of Health	0900	$206,305	$206,305
852	Virginia Tobacco Settlement Foundation	0900	$22,912	$22,912
199	Department of Conservation and Recreation	0200	$5,438	$5,438
199	Department of Conservation and Recreation	0900	$307,326	$307,326
402	Marine Resources Commission	0200	$36,097	$36,097
402	Marine Resources Commission	0900	$7,803	$7,803
403	Department of Game and Inland Fisheries	0900	$549,444	$549,444
423	Department of Historic Resources	0900	$1,185	$1,185
123	Department of Military Affairs	0900	$1,184	$1,184
140	Department of Criminal Justice Services	0200	$14,688	$14,688

140	Department of Criminal Justice Services	0900	$71,968	$71,968
960	Department of Fire Programs	0200	$90,443	$90,443
154	Department of Motor Vehicles	0400	$1,034,919	$1,034,919
407	Virginia Port Authority	0200	$108,339	$108,339
407	Virginia Port Authority	0400	$126,103	$126,103
501	Department of Transportation	0400	$522,462	$522,462
505	Department of Rail and Public Transportation	0400	$306,866	$306,866
506	Motor Vehicle Dealer Board	0200	$14,676	$14,676
841	Department of Aviation	0400	$97,583	$97,583
171	State Corporation Commission	0900	$13,623	$13,623
174	Virginia College Savings Plan	0500	$300,624	$300,624
	TOTALS		**$4,297,420**	**$4,297,420**

G.1. The Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4002.1, Code of Virginia, an amount estimated at $435,200,000 the first year and ~~$435,875,000~~ *$473,100,000* the second year, from the State Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the Comptroller shall transfer the balance of the State Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis. Prior to June 20 of each year, the State Lottery Director shall estimate the amount of profits in the State Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4023, Code of Virginia, the Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the State Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the State Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4002.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate $2,700,000 the first year and $2,700,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a.The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate $150,000 the first year and $150,000 the second year, shall be paid into the general fund of the state treasury.

b. The State Comptroller shall transfer to the general fund on June 30, 2011 and on June 30, 2012, respectively, the amount in excess of $20,000 in the Virginia College Building Authority Private College Financing Program Fees (Fund 0220) at the Department of the Treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate $75,000 the first year and $75,000 the second year, shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed $3,000,000 the first year and $3,000,000 the second

year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed $14,065,627 the first year and $14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. The Comptroller shall transfer to the general fund on June 30 each year, the amount in excess of $900,000 in the Regulatory and Consumer Advocacy Revolving Trust Fund of the Office of the Attorney General (Fund 0239) in accordance with Item 53 of this act.

N. Not later than thirty days after the close of each quarter during the biennium, the Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed $10,635,320 the first year and $10,635,320 the second year.

O.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at $244,268 the first year and $244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.1-336.2, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at $48,854 the first year and $48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.1-336.2, Code of Virginia.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund $4,611,720 the first year and ~~$4,611,720~~ *$3,011,720* the second year from the Court Debt Collection Program Fund at the Department of Taxation.

Q. On or before June 30 each year, the State Comptroller shall transfer to the general fund $7,400,000 the first year and $7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

R. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at $6,500,000 the first year and an amount estimated at $6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

S. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund an amount estimated at $861,440 the first year and $861,440 the second year, resulting from savings pursuant to a Virginia Information Technologies Agency rate decrease for telecommunications services effective November, 2003. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education.

T. On or before June 30 each year, the State Comptroller shall transfer from agency nongeneral fund accounts to the general fund an amount estimated at $18,000 the first year and $18,000 the second year, resulting from savings pursuant to a contract negotiated by the Virginia Information Technologies Agency for data-telecommunication lines effective July, 2003. The Director of the Department of Planning and Budget shall provide the Comptroller with the amount to be transferred from each agency.

U. On or before June 30 ~~each year~~, *2011,* the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund an amount estimated at $953,423 ~~the first year and $593,232 the second year~~ representing the nongeneral fund share of savings resulting from operational efficiencies of the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, shall provide the State Comptroller with the amount to be transferred from each agency and institution of higher education. All funds from the Virginia Retirement System and federal sources are excluded from this action.

V. ~~The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of §2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be $10,250,000, shall be deposited into the general fund no later than June 30, 2012. In addition, on~~ *On* or before

June 30 each year, the State Comptroller shall transfer to the general fund $1,550,385 the first year and $1,550,385 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

W. On or before June 30 each year, the State Comptroller shall transfer $400,000 the first year and $400,000 the second year from the general fund to the Transportation Trust Fund to reflect sales tax revenues not collected as a result of the provisions of Chapter 593, Acts of Assembly of 2006.

X. On or before June 30*, 2011* ~~each year~~, the State Comptroller shall transfer $890,000 the first year ~~and $890,000 the second year~~ to the general fund from the $2.00 increase in the vital records fee contained in the Department of Health's Vital Records and Health Statistics Program (40400).

Y. On or before June 30, 2011, the State Comptroller shall transfer $9,055,000 to the general fund from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203). Beginning July 1, 2011, the State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed $9,055,000 from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

Z. On or before June 30 each year, the State Comptroller shall transfer $600,000 the first year and $600,000 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

AA.1. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at $7,410,986 the first year and ~~$6,440,198~~ *$6,521,373* the second year from the agencies and fund sources listed below.

Agency / Purpose	Fund	FY 2011	FY 2012
Department of Emergency Management (127)			
Transfer nongeneral fund cash balances	0271	$1,427	$0
~~Transfer nongeneral fund cash balances~~	0287	$5,494	~~$0~~
Transfer surplus property proceeds to the general fund			*$5,494*
Virginia Information Technologies Agency (136)			
Reduce spending for geographic information services	0905	$125,000	$125,000
Department of State Police (156)			
Revert nongeneral fund cash from insurance fraud program	0250	$2,000,000	$2,000,000
Revert safety program nongeneral fund cash balance	0261	$1,522,229	$1,522,229
Transfer nongeneral fund cash balances	0200	$132,016	$0
Transfer nongeneral fund cash balances	0206	$76,831	$0
Transfer nongeneral fund cash balances	0221	$7,150	$0
Transfer nongeneral fund cash balances	0261	$342,411	$0
Transfer indirect cost recoveries	*0280*	*$0*	*$57,905*
Transfer nongeneral fund cash balances	0286	$801	$0
~~Transfer nongeneral fund cash balances~~	0287	$7,079	~~$0~~
Transfer surplus property proceeds to the general fund			*$6,144*
Transfer nongeneral fund cash balances	0290	$46,887	$0
Secretary of Education (185)			
Transfer nongeneral fund cash balances	0270	$147	$0
Department of General Services (194)			
Transfer surplus property proceeds to the general fund	*0287*	*$0*	*$1,447*
Transfer Office Depot refund amounts	*0700*	*$0*	*$261,262*
Department of Conservation and Recreation (199)			
Transfer nongeneral fund cash balances	0286	$340	$0
Transfer nongeneral fund cash balances	0287	$1,803	$0
Virginia School for the Deaf and Blind (218)			
Transfer nongeneral fund cash balances	0286	$2,000	$0
Transfer nongeneral fund cash balances	0287	$9,000	$0
Department of Agriculture and Consumer Services (301)			
Transfer cash balances from nongeneral funds	0200	$337,969	$337,969

Economic Development Incentive Payments (312)			
Transfer nongeneral fund cash balances	0910	$11,458	$0
Department of Mines, Minerals and Energy (409)			
Revert funds in the state agency energy savings project revolving loan fund	0200	$200,592	$200,000
Revert energy sub-metering funds	0200	$110,488	$0
Revert geologic materials sales office funds	0200	$19,000	$0
Jamestown-Yorktown Foundation (425)			
Transfer nongeneral fund cash balances	0217	$23	$0
Department of Environmental Quality (440)			
Reduce litter grants to localities	0925	$255,000	~~$255,000~~
Reduce funding for waste tire pile cleanup	0906	$1,500,000	$1,500,000
Department of Motor Vehicles Transfer Payments (530)			
Implement Mobile Home Tax reduction	0746	$500,000	$500,000
Department of Health (601)			
Transfer nongeneral fund cash balances	0287	$12,166	$0
Department of Correctional Education (750)			
Transfer nongeneral fund cash balances	0287	$7,252	$0
Department of Social Services (765)			
Transfer nongeneral fund cash balances	0246	$875	$0
Transfer nongeneral fund cash balances	0272	$135,948	$0
Transfer nongeneral fund cash balances	0287	$1,983	$0
Department of Juvenile Justice (777)			
~~Transfer nongeneral fund cash balances~~	0287	$2,844	~~$0~~
Transfer surplus property proceeds to the general fund			*$3,923*
Virginia Center for Behavioral Rehabilitation (794)			
Transfer nongeneral fund cash balances	0287	$64	$0
Department of Corrections (799)			
Transfer nongeneral fund cash balances	0240	$333	$0
Transfer nongeneral fund cash balances	0287	$277	$0
Governor's Office for Substance Abuse Prevention (853)			
Transfer nongeneral fund cash balances	0200	$33,824	$0
Higher Education Research Initiative (989)			
Transfer nongeneral fund cash balances	0951	$275	$0
Totals		**$7,410,986**	~~**$6,440,198**~~ ***$6,521,373***

2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the above-cited amounts between fund/fund detail amounts, so as to increase or decrease the amounts for a designated fund/fund detail code, provided, however, that such adjustments shall not increase the total transfers amount for an agency in excess of the sums cited above. The Department of Planning and Budget shall notify the State Comptroller of such adjustments.

3. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than $100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

BB. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $258,636 the first year and $269,882 the second year, resulting from savings associated with changes in employer contribution rates for the Virginia Law Officers Retirement System pursuant to Item 469 of this act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

CC. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $4,855,893 the first year and $5,066,977 the second year, resulting from savings associated with changes in employer contribution rates for the Virginia Sickness and Disability program and the state employee

retiree health care credit, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

DD. On or before, June 30, 2011, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $3,491,632 the first year resulting from savings associated with the decrease in the state level of support for the cash match on state employee deferred compensation plan accounts, pursuant to Item 469 of this Act. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

EE. On or before June 30 each year, the State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund amounts estimated at $164,885 the first year and $164,885 the second year, resulting from savings associated with the reduction of agency charges for the statewide purchase and supply system operated by the Department of General Services. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency and institution of higher education. Constitutionally protected funds and amounts from federal sources are excluded from this action.

FF. On or before June 30, 2011, the State Comptroller shall transfer $4,350,000 to the general fund from the State Insurance Reserve Trust Fund at the Department of the Treasury.

~~GG. The Brunswick Correctional Center operated by the Department of Corrections shall be sold and the proceeds of such sale deposited into the general fund, notwithstanding the provisions of § 2.2. 1156, Code of Virginia. The estimated amounts of the proceeds to be received is $11,250,000. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.~~

HH. The former Virginia School for the Deaf, Blind, and Multi-disabled campus operated by the Department of Education shall be sold and the proceeds of such sale deposited into the general fund notwithstanding the provisions of §2.2-1156, Code of Virginia. The estimated amount of the payments to be received is $2,500,000 the first year.

II. On or before June 30 each year, the State Comptroller shall transfer $1,550,764 the first year and $1,740,836 the second year from savings from changes to the durable medical equipment Medicaid rates, pursuant to paragraph UUU. in Item 297, to the general fund. Any additional savings will be transferred to the Virginia Infrastructure Technology Fund and shall be used to pay down balances on the working capital advance for enterprise applications, pursuant to paragraph D in Item 433. The Department of Medical Assistance Services shall determine the actual amount the State Comptroller shall transfer based on the most available expenditure data when the transfer is made.

JJ. On or before June 30 each year the State Comptroller shall transfer $1,800,000 from the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 331, 384, and 408 of this act, for the purposes enumerated in Section 17.1-275.12. Any amounts remaining in the fund following these transfers, estimated at $2,700,000 ~~each year~~ *the first year and $650,000 the second year*, shall be transferred to the general fund on or before June 30 of each year.

KK. On or before June 30 each year, the State Comptroller shall transfer $10,518,587 the first year and $10,518,587 the second year to the general fund from the $2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

LL. On or before June 30, 2011, the Joint Committee on Rules shall authorize the transfer of $1,000,000 to the general fund from unexpended nongeneral fund balances at the Commission on the Virginia Alcohol Safety Action Program.

MM. On or before June 30, 2011, the Joint Committee on Rules shall authorize the transfer of $250,000 to the general fund from unexpended nongeneral fund balances at the Division of Automated Legislative Services.

NN. On or before June 30, 2011, the State Comptroller shall transfer $12,000,000 to the general fund from unobligated nongeneral fund balances at the State Corporation Commission, and on or before June 30, 2012, the State Comptroller shall transfer an additional $11,225,600 to the general fund from unobligated nongeneral fund balances at the State Corporation Commission.

OO. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0721), the Department of Taxation's indirect costs of administering this tax estimated at $87,500 the first year and ~~$87,500~~ *$114,775* the second year.

PP. On or before June 30 each year, the State Comptroller shall transfer to the general fund $523,843 the first year and $207,355 the second year from savings associated with the reduction in the rate charged to state agencies by Virginia Dominion Power. Of this amount, $149,982 the first year and $59,368 the second year is reserved for federal reversion upon request.

QQ. On or before June 30, 2011, the State Comptroller shall transfer to the general fund $1,500,000 from fund 0255 in the Department of Corrections.

RR. 1. As required by §4-1.05 b of Chapter 874, 2010 Acts of Assembly, $26,569 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year *and $626,919 were reverted in the second year*.

2. On or before June 30, 2011, the State Comptroller shall restore $16,068 to the Department of Historic Resources' Preservation Easement Fund from the general fund, pursuant to Section 4-1.05 b. of this act.

3. On or before June 30, 2012, the State Comptroller shall restore $600,809 from the general fund to the Excess Indirect Cost Recoveries Fund (Fund 0316) in James Madison University, pursuant to Section 4-1.05 b. of this act.

4. On or before June 30, 2012, the State Comptroller shall restore $5,320 from the general fund to the Surplus Supplies and Equipment Sales Fund (Fund 0388) in Christopher Newport University, pursuant to Section 4-1.05 b. of this act.

5. On or before June 30, 2012, the State Comptroller shall restore $11,783 from the general fund to the Insurance Recovery Fund (Fund 0390) in Wytheville Community College, pursuant to Section 4-1.05 b. of this act.

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.

SS. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, proceeds in the amount of $210,000 from the sale by the Department of Forestry of the property at 728 Richmond Road in Staunton, shall be deposited into the general fund no later than June 30, 2011.

TT. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds, estimated at $475,000, from the sale of the property at 7 N. 2nd Street in Richmond, formerly used to house the Richmond Women's Detention Center, shall be deposited into the general fund the first year *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*.

UU. On or before June 30, 2012, the State Comptroller shall transfer to the general fund an amount estimated at $2,600,000 from the Department of State Police for revenue received from the sale of two aircrafts.

VV. On or before June 30, 2012, the State Comptroller shall transfer to the general fund $827,815 from the Department of Environmental Quality, Vehicle Emissions Inspection Program Fund.

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).

YY. 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.

ZZ. 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.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, $362,854 the first year and $362,854 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of $125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance	$50,000,000
Department of Accounts, for the Payroll Service Bureau	$400,000
Department of Accounts, Transfer Payments	$5,250,000
Department of Alcoholic Beverage Control	$60,000,000
Department of Corrections, for Virginia Correctional Enterprises	$1,000,000
Department of Emergency Management	$150,000
Department of Environmental Quality	$5,000,000
Department of General Services, for the Real Estate Internal Service Fund	$2,100,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	$10,000,000
Department of Behavioral Health and Developmental Services	$20,000,000
Department of Motor Vehicles	$5,000,000
Department of the Treasury, for the Unclaimed Property Trust Fund	$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	$25,000,000
Department of the Treasury, for the Teacher Liability Insurance Program	$1,000,000
State Lottery Department	$40,000,000
Virginia Information Technologies Agency	$40,000,000
Virginia Tobacco Settlement Foundation	$3,000,000
Department of Historic Resources	$600,000
Department of Correctional Education	$300,000
Department of Fire Programs	$30,000,000
Compensation Board	$8,000,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed $1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to $2,500,000 to the Department of Motor Vehicles and up to $2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The State Lottery Department is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the State Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The State Lottery Department shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the State Lottery Department if necessary to meet operating needs.

f. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the Department of Emergency Management 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.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

The Virginia Public School Authority shall transfer to the general fund an amount estimated at $201,000 on or before June 30, 2011 and an amount estimated at $201,000 on or before June 30, 2012, to reimburse the Commonwealth for staff and other administrative services provided to the Authority by the Department of the Treasury.

§ 3-3.02 PAYMENT BY THE STATE TREASURER

The State Treasurer shall transfer an amount estimated at $13,930 on or before June 30, 2011 and an amount estimated at ~~$39,474~~ *$650* before June 30, 2012, to the general fund from excess 9(c) sinking fund balances.

§ 3-3.03 INTEREST EARNINGS

A. Notwithstanding any other provision of law, the State Comptroller shall not allocate interest earnings to the following agencies and funds in either the first year or the second year of the biennium. The estimated amount of interest earnings that shall remain in the general fund as a result of this provision is $15,220,501 the first year and ~~$40,343,741~~ *$16,649,754* the second year of the biennium.

Agency	Agency Code	Fund Name	Fund/Fund Detail
Supreme Court	111	Pro Hac Vice Fund	0254
Supreme Court	111	Court Technology Fund	0905
Department of Military Affairs	123	Armory Control Board Fund	0901
Department of Military Affairs	123	Virginia Military Family Relief Fund	0916
Department of Human Resource Management	129	Worker's Compensation Funding Account	0700
Department of Human Resource Management	129	Worker's Compensation Trust Fund	0742
Virginia Information Technologies Agency	136	GIS Fund	0905
Virginia Information Technologies Agency	136	Wireless E-911 Fund	0928
Virginia Information Technologies Agency	136	Virginia Technology Infrastructure Fund	0931

1	Department of Criminal Justice Services	140	School Resource Officer Incentive Grants Fund	0903
2	Department of Criminal Justice Services	140	Virginia Domestic Violence Victim Fund	0912
3	Department of Criminal Justice Services	140	Virginia Crime Victim - Witness Fund	0930
4	Department of Criminal Justice Services	140	Intensified Drug Enforcement Jurisdictions Fund	0935
5	Department of Criminal Justice Services	140	Regional Criminal Justice Academy Training Fund	0940
6	Department of Criminal Justice Services	140	Court Fees Suspense Fund	0975
7	Attorney General and Department of Law	141	Youth Internet Safety Fund	0237
8	Attorney General and Department of Law	141	Regulatory And Consumer Advocacy Revolving Trust	0239
9	Virginia Commission for the Arts	148	Virginia Arts Foundation Fund	0910
10	Administration of Health Insurance	149	Health Insurance Fund - Local	0520
11	Administration of Health Insurance	149	Health Insurance Fund - State	0620
12	Administration of Health Insurance	149	Health Insurance Fund - State Restricted	0621
13	Administration of Health Insurance	149	Pre-Medicare Eligible Retiree Health Benefits Trust Fund	0720
14	Department of Accounts	151	Commonwealth Health Research Fund	0936
15	Department of Treasury	152	Property Insurance Trust Fund	0740
16	Department of Treasury	152	Miscellaneous Insurance Trust Fund	0741
17	Department of Treasury	152	Liability Trust Fund	0743
18	Department of Treasury	152	Automobile Trust Fund	0744
19	Department of Treasury	152	Local Entities Bond Program	0745
20	Department of Treasury	152	Public Officials Insurance	0746
21	Department of Treasury	152	Law Enforcement Insurance	0747
22	Department of Treasury	152	George Washington Regional Commission	0748
23	Department of Treasury	152	Commuter Rail Trust Fund	0749
24	Department of Treasury	152	Workforce Training Access Fund	0901
25	Department of Motor Vehicles	154	State Asset Forfeiture Fund	0430
26	Department of State Police	156	State Asset Forfeiture Fund	0233
27	Department of State Police	156	Drug Investigation Trust Account - Federal	0236
28	Department of State Police	156	Insurance Fraud	0250
29	Department of State Police	156	Drug Investigation Trust Account-State	0253
30	Department of State Police	156	State Asset Forfeiture Suspense Fund	0733
31	Department of State Police	156	Wireless E-911 Fund	0928
32	Compensation Board	157	Wireless E-911 Fund	0928
33	Department of Taxation	161	Communications Sales And Use Tax Trust Fund	
34				0926
35	Department of Taxation	161	Governor's Motion Picture Opportunity Fund	0902
36	Department of Accounts Transfer Payments	162	Edvantage Reserve Fund	0708
37	Department of Accounts Transfer Payments	162	Line Of Duty Death And Health Benefits Trust Fund	0742
38	Department of Housing and Community Development	165	Derelict Structure Fund	0916
39	Department of Housing and Community Development	165	Economic Development Loan Fund	0921
40	Department of Housing and Community Development	165	Virginia Manufactured Housing Transaction Recovery Fund	0925
41	Department of Housing and Community Development	165	Virginia Water Quality Improvement Fund	0934
42	State Corporation Commission	171	Fire Programs Fund	0218
43	State Corporation Commission	171	Underground Utility Damage Prevention Fund	0902
44	State Corporation Commission	171	Virginia State Police-Insurance Fraud Fund	0905
45	Charitable Gaming Commission	173	State Asset Forfeiture Fund	0233
46	Virginia College Savings Plan	174	Special Revenue	0500

1	Virginia Employment Commission	182	Workforce Development Training Fund	0910
2	Secretary of Finance	190	Workforce Training Access Fund	0901
3	Secretary of Commerce and Trade	192	Governor’s Motion Picture Opportunity Fund	0902
4	Secretary of Commerce & Trade	192	Governor's Opportunity Fund	0910
5	~~Department of General services~~	~~194~~	~~Parking~~	~~0270~~
6	Department of General services	194	Main Street Station Property	0922
7	Department of Education - Direct Aid to Public Education	197	School Nurse Incentive Grants Fund	0905
8	Department of Education - Direct Aid to Public Education	197	Va Public School Educational Technology Trust Fund	0928
9	Department of Education - Direct Aid to Public Education	197	Va Public School Construction Grants Fund	0930
10	Department of Education - Direct Aid to Public Education	197	Public Ed Soq/Local Re Property Tax Relief Fund	0931
11	Department of Conservation and Recreation	199	Natural Area Preservation Fund	0215
12	Department of Conservation and Recreation	199	Chesapeake Bay Restoration Fund	0252
13	Department of Conservation and Recreation	199	Virginia Stormwater Management Fund	0902
14	Department of Conservation and Recreation	199	Flood Prevention And Protection Assistance Fund	0910
15	Department of Conservation and Recreation	199	Va Land Conservation Fund - Restricted	0917
16	Department of Conservation and Recreation	199	Virginia Land Conservation Fund - Unrestricted	0918
17	Department of Conservation and Recreation	199	Soil/Water Conservation District Dam Maintenance Fund	0925
18	Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund	0934
19	Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund Reserve	0935
20	Department of Conservation and Recreation	199	Virginia Natural Resources Commitment Fund	0936
21	Department of Conservation and Recreation	199	Vof - Open-Space Lands Preservation Trust Fund	0958
22	Department of Education - Central Office Operations	201	Virginia Teaching Scholarship Loan Fund	0908
23	Department of Education - Central Office Operations	201	Families In Education Incentive Grants Fund	0912
24	Department of Education - Central Office Operations	201	Community-Based Intervention-Susp/Expelled Student	0915
25	Department of Education - Central Office Operations	201	Artists In The Classroom Grants Fund	0916
26	Department of Education - Central Office Operations	201	School-To-Work Transition Grants Fund	0932
27	Department of Education - Central Office Operations	201	National Teacher Certification Incentive Reward Pg	0940
28	College of William and Mary	204	Auxiliary Enterprise	0306
29	University of Virginia	207	Auxiliary Enterprise	0306
30	Virginia Polytechnic Institute & State University	208	Auxiliary Enterprise	0306
31	Virginia Military Institute	211	Auxiliary Enterprise	0306
32	Virginia State University	212	Auxiliary Enterprise	0306
33	Norfolk State University	213	Auxiliary Enterprise	0306
34	Longwood College	214	Auxiliary Enterprise	0306
35	University of Mary Washington	215	Auxiliary Enterprise	0306
36	James Madison University	216	Auxiliary Enterprise	0306
37	Radford University	217	Auxiliary Enterprise	0306
38	Old Dominion University	221	Auxiliary Enterprise	0306
39	Department of Professional and Occupational Regulation	222	Common Interest Community Management Information Fund	0259
40	Board of Accountancy	226	Board Of Accountancy Trust Fund	0202
41	Board of Accountancy	226	Dedicated Special Revenue	0900

1	Department of Minority Business Enterprise	232	Capital Access Fund For Disadvantaged Businesses	0901
2	State Board of Bar Examiners	233	Special Revenue	0200
3	Virginia Commonwealth University	236	Auxiliary Enterprise	0306
4	Richard Bland College	241	Auxiliary Enterprise	0306
5	Christopher Newport University	242	Auxiliary Enterprise	0306
6	State Council of Higher Education for Virginia	245	Va Undergrad/Vocational Incentive Scholarship Fund	0905
7	State Council of Higher Education for Virginia	245	Brown V Board Of Education Scholarship Pgm Fund	0912
8	University of Virginia's College at Wise	246	Auxiliary Enterprise	0306
9	George Mason University	247	Auxiliary Enterprise	0306
10	Department of Rehabilitative Services	262	Statewide Independent Living Fund	0903
11	Department of Rehabilitative Services	262	Commonwealth Neurotrauma Initiative Trust Fund	0915
12	New River Community College	275	Auxiliary Enterprise	0306
13	Southside Virginia Community College	276	Auxiliary Enterprise	0306
14	Paul D. Camp Community College	277	Auxiliary Enterprise	0306
15	Rappahannock Community College	278	Auxiliary Enterprise	0306
16	Danville Community College	279	Auxiliary Enterprise	0306
17	Northern Virginia Community College	280	Auxiliary Enterprise	0306
18	Piedmont Virginia Community College	282	Auxiliary Enterprise	0306
19	J. Sargeant Reynolds Community College	283	Auxiliary Enterprise	0306
20	Eastern Shore Community College	284	Auxiliary Enterprise	0306
21	Patrick Henry Community College	285	Auxiliary Enterprise	0306
22	Virginia Western Community College	286	Auxiliary Enterprise	0306
23	Dabney S. Lancaster Community College	287	Auxiliary Enterprise	0306
24	Wytheville Community College	288	Auxiliary Enterprise	0306
25	John Tyler Community College	290	Auxiliary Enterprise	0306
26	Blue Ridge Community College	291	Auxiliary Enterprise	0306
27	Central Virginia Community College	292	Auxiliary Enterprise	0306
28	Thomas Nelson Community College	293	Auxiliary Enterprise	0306
29	Southwest Virginia Community College	294	Auxiliary Enterprise	0306
30	Tidewater Community College	295	Auxiliary Enterprise	0306
31	Virginia Highlands Community College	296	Auxiliary Enterprise	0306
32	Germanna Community College	297	Auxiliary Enterprise	0306
33	Lord Fairfax Community College	298	Auxiliary Enterprise	0306
34	Mountain Empire Community College	299	Auxiliary Enterprise	0306
35	Department of Agriculture and Consumer Services	301	Contested Pesticide Penalties	0708
36	Department of Agriculture and Consumer Services	301	Tobacco Loss Assistance Program Fund	0710
37	Department of Agriculture and Consumer Services	301	Virginia Farm Loan Revolving Account	0716
38	Department of Agriculture and Consumer Services	301	Certification Of Agricultural Products Trust Fund	0729
39	Virginia Agricultural Council	307	Dedicated Special Revenue	0900
40	Chippokes Plantation Farm Foundation	319	Dedicated Special Revenue	0900
41	Department of Business Assistance	325	Capital Access Fund For Disadvantaged Businesses	0901
42	Department of Business Assistance	325	Information Technology Employment Performance Grnt	0905
43	Department of Business Assistance	325	Workforce Retraining Fund	0909
44	Department of Business Assistance	325	Economic Development Loan Fund	0921
45	Department of Business Assistance	325	Small Business Environmental Compliance Assistance Fund	0930
46	Department of Business Assistance	325	Vsbfa-Virginia Export Loan Guarantee Fund	0956
47	Department of Business Assistance	325	Virginia Small Business Growth Fund	0957
48	Marine Resources Commission	402	Forfeited Asset Sharing Program Fund	0265
49	Marine Resources Commission	402	Marine Habitat And Waterways Improvement Fund	0916
50	Department of Game and Inland Fisheries	403	Boating Safety And Regulation	0902
51	Department of Game and Inland Fisheries	403	Non Game Cash Fund	0904
52	Department of Game and Inland Fisheries	403	Feed The Hungry Fund	0913
53	Department of Game and Inland Fisheries	403	Virginia Fish Passage Grant And Revolving Loan Fund	0922

1	Virginia Racing Commission	405	Special Revenue	0200
2	Virginia Racing Commission	405	Virginia Breeders Fund	0220
3	Department of Mines, Minerals and Energy	409	Exxon Oil Overcharge Fund	0738
4	Department of Mines, Minerals and Energy	409	Moto Pool Surety Bonds	0751
5	Department of Mines, Minerals and Energy	409	Coal Surface Mining Contl & Reclamation Act Cvl	0754
6	Department of Mines, Minerals and Energy	409	Gas And Oil Plugging And Restoration Fund	0755
7	Department of Mines, Minerals and Energy	409	Orphaned Well Fund	0952
8	Department of Forestry	411	Forfeited Asset Sharing Program Fund	0265
9	Department of Forestry	411	State Forests System Fund	0901
10	Department of Forestry	411	Virginia'S Natural Resources Trust Fund	0909
11	Department of Forestry	411	Virginia Forest Water Quality Fund	0926
12	Department of Historic Resources	423	Trust And Agency	0700
13	Department of Historic Resources	423	Historic Resources Fund	0910
14	Department of Historic Resources	423	Preservation Easement Fund	0927
15	Department of Environmental Quality	440	Operating Permits Program	0510
16	Department of Environmental Quality	440	Underground Petroleum Storage Tank Fund	0748
17	Department of Environmental Quality	440	Dupont Shenandoah River Mercury Monitoring	0755
18	Department of Environmental Quality	440	Waste Tire Trust Fund	0906
19	Department of Environmental Quality	440	Virginia Environmental Emergency Response Fund	0907
20	Department of Environmental Quality	440	Air Pollution Permit Program	0909
21	Department of Environmental Quality	440	Virginia Waste Management Board Permit Program Fund	0911
22	Department of Environmental Quality	440	State Water Control Board Permit Program Fund	0914
23	Department of Environmental Quality	440	Marine Habitat And Waterways Improvement Fund	0916
24	Department of Environmental Quality	440	Vehicle Emissions Inspection Program Fund	0919
25	Department of Environmental Quality	440	Va Motor Vehicle Emission Reduction Program Fund	0924
26	Department of Environmental Quality	440	Litter Control And Recycling Fund	0925
27	Department of Environmental Quality	440	Small Business Environmental Compliance Assistance Fund	0930
28	Department of Environmental Quality	440	Virginia Water Quality Improvement Fund	0934
29	Department of Environmental Quality	440	Virginia Water Quality Improvement Fund Reserve	0935
30	Motor Vehicle Dealer Board	506	Motor Vehicle Dealer Board Fund	0212
31	Department of Health	601	Waterworks Technical Assistance Fund	0248
32	Department of Health	601	Virginia Pregnant Women Support Fund	0276
33	Department of Health	601	Donations - Local Health Departments	0901
34	Department of Health	601	Trauma Center Fund	0902
35	Department of Health	601	Virginia Transplant Council Education Fund	0905
36	Department of Health	601	Virginia Rescue Squads Assistance Fund	0910
37	Department of Health	601	Water Supply Assistance Grant Fund	0922
38	Department of Health	601	Radioactive Materials Facility Licensure/Inspec Fd	0931
39	Department of Health	601	Medical And Physicans Assistant Scholarship And Loan Repayment Fund	0932
40	Department of Health	601	Nursing Scholarship And Loan Repayment Fund	0934
41	Department of Health	601	Nurse Practitioner Scholarship And Loan Repayment Fund	0936

Department of Health	601	Dental Scholarship & Loan Repayment Fd	0938
Department of Medical Assistance Services	602	Uninsured Medical Catastrophe Fund	0910
Department of Behavioral Health and Developmental Services	720	Mental Health/Retard Substance Abuse Srvs Trust Fd	0908
Department of Social Services	765	Putative Father Registry Fund	0914
Department of Social Services	765	Home Energy Assistance Fund	0925
Department of Corrections	767	Drug Offender Access Fund	0953
Department of Corrections	795	Corrections Special Reserve Fund	0230
Department of Corrections	799	Ded Impact Funds	0230
Department of Corrections	799	Drug Offender Access Fund	0953
Tobacco Indemnification & Revitalization	851	Technology Initiative Tobacco-Dependent Localities	0926
Tobacco Indemnification & Revitalization	851	Tobacco Indemnification/Community Revitalization	0942
Virginia Tobacco Settlement Fund	852	Virginia Tobacco Settlement Fund	0943
Virginia Commission on Energy and Environment	868	Virginia Commission On Energy & Environment Fund	0223
Dept of Veterans Services	912	Veterans Services Fund	0941
Sitter-Barfoot Veterans Care Center	922	Veterans Services Fund	0941
Innovative Technology Authority	934	Advanced Communications Assistance Fund	0265
Department of Fire Programs	960	Fire Programs Fund	0218
DPB - Central Appropriations - Admin	995	Texaco Oil Overcharge Fund	0734
DPB - Central Appropriations - Admin	995	Stripper Well Oil Overcharge Fund	0739
DPB - Central Appropriations - Admin	995	Diamond Shamrock Oil Overcharge Fund	0740
Central Appropriations	995	Commonwealth Technology Research Fund	0951
Department of Accounts-Statewide Activity	997	Drug Offender Access Fund	0953
Department of Alcoholic Beverage Control	999	Enterprise	0500
Department of Alcoholic Beverage Control	999	State Asset Forfeiture Fund	0533

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as determined by the State Council of Higher Education. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

Notwithstanding any other provision of law, for taxable years beginning on and after January 1, 2006, 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 for calendar years 2006 and thereafter, except that for taxable years beginning on or after January 1, 2010, and before December 31, 2010, the credit shall be capped at $5,000,000. *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.*

§ 3-5.02 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, for license years beginning on and after July 1, 2006 and taxable years ending on and after December 31, 2006, the amount of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510, Code of Virginia for those companies not receiving a credit for the taxable year 2000, shall be limited to 60 percent of the retaliatory costs paid to other states for those companies or groups having more than 100 qualified full-time employees in this Commonwealth during the entire license year and who met the definition of "qualified investment" on or after January 1, 2001. In addition, such credit for those companies receiving a credit for the taxable year 2000 shall be limited to $1,600,000 for license years beginning on and after July 1, 2010, and taxable years ending on and after December 31, 2010, provided, however, that no more than $266,667 of such refund shall reduce the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531.

§ 3-5.03 PAYMENT OF AUTO RENTAL TAX TO THE RAIL ENHANCEMENT FUND AND THE GENERAL FUND

A. Notwithstanding the provisions of § 58.1-2425, Code of Virginia, or any other provision of law, the tax on the gross proceeds from the rental in Virginia of any motor vehicle pursuant to subdivision A3 of § 58.1-2402, Code of Virginia, at the tax rate in effect on December 31, 1986, shall be paid by the Commissioner of the Department of Motor Vehicles into the Rail Enhancement Fund.

B. Notwithstanding the provisions of the amendment to § 58.1-2425, Code of Virginia, enacted by Chapter 522 of the 2004 Acts of Assembly, all additional revenues resulting from the fee imposed under subdivision A 5 of § 58.1-2402, Code of Virginia, as enacted by Chapter 522 of the 2004 Acts of Assembly, shall be deposited into the general fund.

§ 3-5.04 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are $217,300,000 the first year and ~~$225,100,000~~ *$216,100,000* the second year.

§ 3-5.05 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

A. The $50,000 taxable year limitation on individual tax credits under the Neighborhood Assistance Act pursuant to § 58.1-439.24 of the Code of Virginia shall not apply in any taxable year beginning in the relevant fiscal year of the Commonwealth if, after an equitable allocation of tax credits under the Act of such relevant fiscal year, the total amount of tax credits granted for all programs approved under the Act for such fiscal year was less than $ 11.9 million.

B. Notwithstanding any other provision of law, any business firm that has pledged in writing on or before January 1, 2006, to a neighborhood organization to make a donation to such organization shall be eligible to receive a tax credit equal to 45% of the value of any qualifying donation that is covered under such writing, provided that the donation is made on or before January 1, 2013 . Nothing in this paragraph shall be interpreted or construed as affecting any other provision of the Neighborhood Assistance Act (§ 58.1-439.18 et seq. of the Code of Virginia). For purposes of this paragraph, the terms "business firm" and "neighborhood organization" shall mean the same as those terms are defined in § 58.1-439.18 of the Code of Virginia.

C. For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any individual included in the definition of a "business firm" as such term is defined in § 58.1-439.18.

§ 3-5.06 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.07 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283. In making the calculations of excess fees required by this paragraph the Compensation Board shall exclude courts in the thirty-first judicial circuit, but pay them in accordance with § 17.1-285.

§ 3-5.08 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of $1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605 and 58.1-606 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, and 58.1-638.1 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month. If the Governor determines on July 31 of each year, that funds are available to transfer such collections in accordance with §§ 58.1-638 and 58.1-638.1, Code of Virginia, he shall direct the State Comptroller to make such allocation. The Governor will report his determination to the Chairman of the House Appropriations and Senate Finance Committees on August 15 of each year.

G. Beginning with the tax payment that would be remitted on or before June 25, ~~2011~~*2012*, if the payment is made by other than electronic transfer, and by June 30, ~~2011~~*2012*, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of ~~$5,400,000~~ *$26,000,000* or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year. It is the intent of the General Assembly that the payment requirement contained herein be phased out beginning in fiscal year 2013~~. The payment amount for June 2013 should be reduced to 85 percent of the sales and purchases for the previous June~~ and the payment amount should continue to be reduced until fully eliminated not later than June 2021.

§ 3-5.09 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
$0 to $62,500	1.6%
$62,501 to $208,000	1.2%
$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1 - 2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE ($4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be $6.25.

§3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding §18.2-270.01 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be $100.

PART 4: GENERAL PROVISIONS

§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.

b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.

c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.

d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.

b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.

c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.

b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.

2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.

c. Increased Nongeneral Fund Revenue:

1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which

are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

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

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

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

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to $500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall report spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;

2) distribution of pass-through grants or other funds held by an agency as fiscal agent;

3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;

4) proper accounting between fund sources 0100 and 0300 in higher education institutions;

5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;

6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or

7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

a) address a threat to life, safety, health or property, or

b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or

c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or

e) continue a program at the present level of service or at an increased level of service when required to address unanticipated

increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or

f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program, or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise.

5. Reporting:

The Director, Department of Planning and Budget, shall report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 2.2-5005, Code of Virginia.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such

reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars ($3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

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

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. a) It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

b) In coordination with the institutions, the State Council of Higher Education for Virginia shall report no later than August 1 of each year on the estimated amount of revenue each institution expects to collect from tuition and mandatory educational and general fees during the fiscal year.

c) This report shall serve as the foundation for any administrative increase in nongeneral fund appropriations within the institutions' educational and general programs that is approved by the Director, Department of Planning and Budget, pursuant to the authority provided in § 4-1.04 of this act.

d) Each institution must notify the Director, State Council of Higher Education for Virginia, prior to requesting an administrative increase to the nongeneral fund appropriation for tuition and fee revenue within its educational and general program. Within 30 days of receiving such notification, the Director of the State Council of Higher Education for Virginia shall review and provide comment, as necessary, to the Director, Department of Planning and Budget. The Director, Department of Planning and Budget, shall evaluate the institution's request along with any comments received from the Director, State Council of Higher Education for Virginia, prior to taking action on the requested administrative increase.

e) In consultation with the Director, Department of Planning and Budget, the Director, State Council of Higher Education for Virginia, shall include a summary of all requested and approved administrative increases to nongeneral fund appropriations for tuition and fee revenue within the educational and general programs of the institutions of higher education as part of the annual nongeneral fund revenue report.

f) In consultation with the Department of Planning and Budget and the State Council of Higher Education for Virginia, the Governor shall reconcile actual nongeneral fund expenditures with nongeneral fund appropriations included in the act and recommend technical adjustments, as he deems appropriate, in submitting his budget amendments prior to the next General Assembly session.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of $4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond five percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than $15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the

Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.1-684.63, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections, Juvenile Justice, and Correctional Education, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections, Juvenile Justice and Correctional Education for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Department of Correctional Education for work performed shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds - Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

m) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral Assessment Fund to defray such safekeeping and handling expenses.

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

2. The provisions of this paragraph shall not apply to any settlement (a) in which the total value of such moneys or property does not exceed $250,000, (b) in which the entire amount of the settlement is for services provided or for property sold or provided under a contract, (c) involving the interest of the Virginia Retirement System, or (d) for an act or practice covered by the Virginia Consumer Protection Act (§ 59.1-196 et. seq., Code of Virginia) or the Virginia Antitrust Act (§ 59.1-9.1 et. seq., Code of Virginia).

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-353, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall report to the Chairmen of the Senate Finance and House Appropriations Committees no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS: Authorization for anticipation loans are limited to the provisions below.

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

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

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

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

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

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 CAPITAL LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed $5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements.

d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. When used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.1-93, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. The first priority of any agency or institution in requesting capital outlay appropriations shall be maintenance reserve funds.

3. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

4. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide to the Director, Department of Planning and Budget, a plan for the use of the maintenance reserve appropriation of the agency in Part 2 of this act prior to the allotment of funds. The plan shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual update to its maintenance reserve plan that to the best of his or her knowledge, all necessary roof repairs have been accomplished, are in the process of being accomplished, or the necessary funds for accomplishing the work have been requested before the agency requests funds for other improvements or new construction projects. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and report any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. It is the intent of the General Assembly that the Department of Conservation and Recreation shall be authorized to initiate and accept by gift or purchase with nongeneral fund dollars any lands for State Park or Natural Area purposes which may become available, and that are not specifically appropriated by the General Assembly, when such acquisitions are made in accordance with the provisions of this section and other applicable provisions of state law including approval by the Governor.

g. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education shall be pursuant to approvals by the General Assembly at its regular sessions in even-numbered years. The consideration of capital projects in odd-numbered years shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and

2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.

This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

h. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

i. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor.

2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.

3. The Governor, at his discretion, may release from any capital project appropriation or reappropriation made pursuant to this

act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

j. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

k. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

l.1.Change in Size and Scope: Unless otherwise provided by law, the scope of any capital project may not be increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds, or minor increases or decreases in square footage determined by the Director, Department of General Services to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; or decreases in scope to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the scope of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

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

m. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will

be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

n. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to $2,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the $2,000,000 maximum.

2. All institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to $2,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to $2,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

o. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

p. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

q. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

r. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

s.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly.

t.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly.

u. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be considered an operating expense, provided that:

1. The scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services.

2. The project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Division of Purchases and Supply of the Department of General Services.

3. The scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy.

4. However, if the project scope entails: (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures, the project shall be subject to the capital outlay process as outlined in this section.

5. The total project cost does not exceed $3,000,000. If the total project cost exceeds $3,000,000, the project shall be subject to the capital budgeting process. However, energy performance projects underway before July 1, 2005, shall continue to be treated as operating expenses. Notwithstanding the above, if energy savings from a performance project offset the debt service, interest payments, and the cost of the project, the project shall not be subject to the capital budgeting process and the total project cost shall not exceed $7,000,000.

6. If the total project exceeds $250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the above conditions. The director shall notify, in turn, the Chairmen of the House Appropriations and Senate Finance Committees that such projects have been initiated.

v. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

w. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

x. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

y. Any new construction project developed by or for the Chippokes Plantation Farm Foundation, with an estimated cost of $750,000 or less, shall be exempt from the capital outlay review and approval process.

z. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of $1,000,000 or less and are 100 percent federally reimbursed.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate or diploma program; grants to full-time graduate students; grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program; institutional contributions to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount other than as specified in Item 198 K of this act. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to the soil scientist scholarships authorized under § 23-38.3, Code of Virginia.

g) Unless noted elsewhere in this act, awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution

with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) The institution is required to transfer to educational and general appropriations all funds used to pay graduate assistantships or for duties which require work.

c) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

d) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

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 boards, 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.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a. All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b. For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1. No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

2. State agencies shall submit any proposed modifications in rates to be charged by internal service funds, pursuant to §§ 2.2-803, 2.2-1011, and 2.2-2013, Code of Virginia, that impact on agency expenditures to the Department of Planning and Budget for review prior to approval by the Joint Legislative Audit and Review Commission. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions and report its findings to the Commission prior to the approval of the rate request.

b. NEW SERVICES:

1. No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall submit in writing to the Chairmen of the House Appropriations and Senate Finance Committees a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall prepare a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall compare the actual results, including expenditures, of

the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state

agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles (including station wagons) shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the State Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the State Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2427, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the

IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State agencies shall identify all employees likely to travel on official business of state government more than twice per year and shall reimburse such employees for their travel costs using electronic data interchange. Any exceptions to this requirement must be approved by the affected cabinet secretary; and

6. This section shall not apply to members and employees of public school boards.

f. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of $5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. PURCHASES OF APPLIANCES AND EQUIPMENT: State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES: It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except as otherwise required by federal law or state statute.

k. TELECOMMUNICATION SERVICES AND DEVICES:

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

l. ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of $150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than $150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of $5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104 , Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution’s request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of $100,000 for a single project, the not to exceed sum of $500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE PAYMENTS

a. Agencies shall not acquire real property by lease until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease and (ii) the volume of leased space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. This provision shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23-38.88, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or 44-146.28, Code of Virginia, or

2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than $5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Governor's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

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

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Chief of Staff	$152,818	$160,459	$160,459
Secretary of Administration	$152,793	$152,793	$152,793
Secretary of Agriculture and Forestry	$152,793	$152,793	$152,793
Secretary of Commerce and Trade	$152,793	$160,433	$160,433
Secretary of the Commonwealth	$152,793	$152,793	$152,793
Secretary of Education	$152,793	$152,793	$152,793
Secretary of Finance	$152,793	$160,433	$160,433
Secretary of Health and Human Resources	$152,793	$152,793	$152,793
Secretary of Natural Resources	$152,793	$152,793	$152,793
Secretary of Public Safety	$152,793	$160,433	$160,433
Secretary of Technology	$152,793	$152,793	$152,793
Secretary of Transportation	$152,793	$160,433	$160,433

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may

be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Library Board, and the Virginia College Savings Plan Board may supplement the salary of the Director of each museum, the Librarian of Virginia, and the Director of the Virginia College Savings Plan Board from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level I Range	**$136,806 - $191,906**	**$136,806 - $191,906**	**$136,806 - $191,906**
Midpoint	**$164,356**	**$164,356**	**$164,356**
Chief Information Officer, Virginia Information Technologies Agency	$150,000	$157,500	$157,500
Commissioner, Department of Motor Vehicles	$143,449	$143,449	$143,449

Commissioner, Department of Social Services	$140,000	$147,000	$147,000
Commissioner, Department of Behavioral Health and Developmental Services	$182,545	$191,672	$191,672
Commonwealth Transportation Commissioner	$189,000	$198,450	$198,450
Director, Department of Corrections	$147,321	$147,321	$147,321
Director, Department of Environmental Quality	$150,218	$157,729	$157,729
Director, Department of Medical Assistance Services	$185,000	$185,000	$185,000
Director, Department of Planning and Budget	$150,000	$157,500	$157,500
State Health Commissioner	$191,906	$191,906	$191,906
State Tax Commissioner	$136,806	$143,646	$143,646
Superintendent of Public Instruction	$167,111	$175,467	$175,467
Superintendent of State Police	$145,787	$153,076	$153,076

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level II Range	**$96,659 - $152,821**	**$96,659 - $152,821**	**$96,659 - $152,821**
Midpoint	**$123,210**	**$123,210**	**$123,210**
Alcoholic Beverage Control Commissioner	$120,000	$126,000	$126,000
Alcoholic Beverage Control Commissioner	$122,000	$122,000	$122,000
Chairman, Alcoholic Beverage Control Board	$124,741	$130,978	$130,978
Commissioner, Department of Agriculture and Consumer Services	$120,000	$120,000	$120,000
Commissioner, Department of Veterans Services	$120,000	$120,000	$120,000

Commissioner, Virginia Employment Commission	$122,000	$128,100	$128,100
Executive Director, Department of Game and Inland Fisheries	$124,740	$130,977	$130,977
Commissioner, Marine Resources Commission	$109,900	$115,395	$115,395
Director, Department of Business Assistance	$96,000	$96,000	$96,000
Director, Department of Forensic Science	$146,640	$153,972	$153,972
Director, Department of General Services	$141,231	$148,293	$148,293
Director, Department of Mines, Minerals and Energy	$118,941	$124,888	$124,888
Director, Department of Human Resource Management	$137,955	$137,955	$137,955
Director, Department of Juvenile Justice	$115,000	$120,750	$120,750
Director, Department of Rail and Public Transportation	$125,840	$132,132	$132,132
Executive Director, DMV Dealer Board	$109,948	$115,445	$115,445
Executive Director, Virginia Port Authority	$137,186	$137,186	$137,186
State Comptroller	$133,972	$140,671	$140,671
State Treasurer	$149,761	$157,249	$157,249

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level III Range	**$84,054- $132,890**	**$84,054- $132,890**	**$84,054- $132,890**
Midpoint	**$108,472**	**$108,472**	**$108,472**
Adjutant General	$132,890	$132,890	$132,890
Chairman, Virginia Parole Board	$125,107	$125,107	$125,107
Commissioner, Department of Labor and Industry	$105,000	$110,250	$110,250
Commissioner, Department of Rehabilitative Services	$130,815	$130,815	$130,815

Coordinator, Department of Emergency Management	$114,650	$120,383	$120,383
Director, Department of Aviation	$127,937	$127,937	$127,937
Director, Department of Conservation and Recreation	$128,000	$134,400	$134,400
Director, Department of Criminal Justice Services	$108,000	$113,400	$113,400
Director, Department of Employment Dispute Resolution	$106,436	$111,758	$111,758
Director, Department of Health Professions	$120,121	$126,127	$126,127
Director, Department of Historic Resources	$105,189	$105,189	$105,189
Director, Department of Housing and Community Development	$118,414	$124,335	$124,335
Director, Department of Professional and Occupational Regulation	$112,000	$112,000	$112,000
Director, The Science Museum of Virginia	$122,635	$128,767	$128,767
Director, Virginia Museum of Fine Arts	$127,358	$133,726	$133,726
Director, Virginia Museum of Natural History	$105,000	$110,250	$110,250
Executive Director, Jamestown-Yorktown Foundation	$121,848	$127,940	$127,940
Executive Secretary, Virginia Racing Commission	$102,503	$102,503	$102,503
Librarian of Virginia	$132,890	$139,535	$139,535
State Forester, Department of Forestry	$96,660	$101,493	$101,493
Superintendent, Department of Correctional Education	$128,873	$128,873	$128,873

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level IV Range	**$73,090 - $109,309**	**$73,090 - $109,309**	**$73,090 - $109,309**
Midpoint	**$91,200**	**$91,200**	**$91,200**

Administrator, Commonwealth's Attorneys' Services Council	$93,537	$98,214	$98,214
Commissioner, Department for the Aging	$109,309	$109,309	$109,309
Commissioner, Virginia Department for the Blind and Vision Impaired	$104,500	$109,725	$109,725
Director, Department of Minority Business Enterprise	$101,130	$106,186	$106,186
Executive Director, Board of Accountancy	$98,114	$103,020	$103,020
Executive Director, Frontier Culture Museum of Virginia	$101,085	$106,139	$106,139
Human Rights Director, Human Rights Council	$73,090	$76,745	$76,745
Secretary, State Board of Elections	$104,000	$104,000	$104,000

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level V Range	**$20,288 - $84,365**	**$20,288 - $84,365**	**$20,288 - $84,365**
Midpoint	**$52,327**	**$52,327**	**$52,327**
Director, Gunston Hall	$82,072	$86,176	$86,176
Director, Virginia Department for the Deaf and Hard-of-Hearing	$84,365	$88,583	$88,583
Executive Director, Department of Fire Programs	$83,200	$87,360	$87,360
Executive Director, Towing and Recovery Operators	$75,712	$79,498	$79,498
Executive Director, Virginia Commission for the Arts	$82,174	$86,283	$86,283
Chairman of Board Chairman, Compensation Board	$20,288	$20,288	$20,288

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
Independent Range	**$121,758 - $162,240**	**$121,758 - $162,240**	**$121,758 - $162,240**
Midpoint	**$141,999**	**$141,999**	**$141,999**
Director, State Lottery Department	$135,923	$142,719	$142,719
Executive Director, Virginia Office for Protection and Advocacy	$121,758	$121,758	$121,758
Director, Virginia Retirement System	$162,240	$170,352	$170,352
Chief Executive Officer, Virginia College Savings Plan	$162,240	$170,352	$170,352

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education may annually supplement the salary of its president from private gifts, endowment funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors should be guided by criteria which provide a reasonable limit on the total additional income of a president. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to $17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2010 to June 24, 2011	June 25, 2011 to November 24, 2011	November 25, 2011 to June 30, 2012
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	$162,240	$170,352	$170,352
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			

Director, State Council of Higher Education for Virginia	$160,000	$160,000	$160,000
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			
Director, Southern Virginia Higher Education Center	$118,976	$124,925	$124,925
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER			
Director, Southwest Virginia Higher Education Center	$122,122	$122,122	$122,122
VIRGINIA COMMUNITY COLLEGE SYSTEM			
Chancellor of Community Colleges	$167,243	$167,243	$167,243
SENIOR COLLEGE PRESIDENTS' SALARIES			
Chancellor, University of Virginia's College at Wise	$127,221	$127,221	$127,221
President, Christopher Newport University	$130,805	$130,805	$130,805
President, The College of William and Mary in Virginia	$157,249	$157,249	$157,249
President, George Mason University	$148,307	$148,307	$148,307
President, James Madison University	$145,889	$153,183	$153,183
President, Longwood University	$140,121	$147,127	$147,127
President, Norfolk State University	$143,627	$143, 627	$143, 627
President, Old Dominion University	$157,883	$165,777	$165,777
President, Radford University	$143,624	$150,805	$150,805
President, Richard Bland College	$123,048	$129,200	$129,200
President, University of Mary Washington	$140,447	$140,447	$140,447
President, University of Virginia	$176,104	$176,104	$176,104
President, Virginia Commonwealth University	$176,113	$176,113	$176,113

President, Virginia Polytechnic Institute and State University	$176,113	$184,919	$184,919
President, Virginia State University	$143,624	$143,624	$143,624
Superintendent, Virginia Military Institute	$142,297	$142,297	$142,297

e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

3. Notwithstanding §§ 40.1-29 and 2.2-804, Code of Virginia, agencies are authorized to seek compromise and settlement of erroneous payroll overpayments with the approval of the Attorney General pursuant to, and consistent with, § 2.2-514, Code of Virginia and as approved by the Governor or his designee. If so approved, agencies are authorized to use payroll deductions to recover the compromise and settlement of erroneous payroll overpayments made to state employees. Such overpayments may include, but are not limited to, excess wage or salary payments, erroneous refunds, and under-withheld payroll deductions for retirement, health and other benefit programs. Payroll deductions made pursuant to this section are limited to 25 percent of disposable earnings as defined in Code § 34-29(d).

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201.12, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a) Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency’s appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b) Notwithstanding any other provision of law, state employees will be paid on July 2, 2012, for the work period June 10 to June 24, 2012.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan , shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed $5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of §51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

§ 4-6.04 CHARGES

a. FOOD SERVICES: Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections, Juvenile Justice, and Correctional Education.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES :

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. –

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23-38.114 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 46102, Social Security Disability Determination, at the Department of Rehabilitative Services are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive — Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive—Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Change reporting from quarterly to annually.
Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report — goals, strategies, and results	Agency Directive — Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive — Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund dtata for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made to the Chairmen of the House Appropriations and Senate Finance Committees by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for

economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 1 of Title 33.1, Code of Virginia, on behalf of the Commonwealth Transportation Commissioner, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall submit to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, on or before June 1 annually, a report on such standard abbreviations and any changes thereto.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

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

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 APPROVAL OF MANAGEMENT AGREEMENT FOR VIRGINIA COMMONWEALTH UNIVERSITY

The exceptions and authority granted in this act pursuant to Chapters 933 and 943 of the 2006 Acts of Assembly shall also be granted pursuant to Chapters 594 and 616 of the 2008 Acts of Assembly. It is the intent of the General Assembly that this act be enrolled to include references to Chapters 594 and 616 of the 2008 Acts of Assembly, in sections where Chapters 933 and 943, Acts of Assembly of 2006 are referenced.

§ 4-9.02 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than June 1 of each year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the State Council of Higher Education before June 1 of each year. Financial benefits provided to each institution in accordance with § 2.2-5005 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve their agreed upon targets and standards on all performance measures in order to be certified by SCHEV. However, the State Council, in working with each institution, shall establish a threshold of permitted variance from targets for each education-related measure, as appropriate. The Council shall review and, if in agreement, approve institutional targets and thresholds.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. ANNUAL ASSESSMENTS

1. Access

a) Institution meets 95 percent of its State Council-approved biennial projection of total in-state student enrollment within the prescribed range of permitted variance.

b) Institution maintains acceptable progress towards agreed upon targets for the percentage of in-state undergraduate students from under-represented populations. (Such populations include low income, first-generation college status, geographic origin within Virginia, race, and ethnicity, or other populations as may be identified by the State Council.)

c) Institution annually meets at least 95 percent of its undergraduate and 90 percent of its graduate and first-professional State Council-approved estimates of degrees awarded.

2. Affordability

Institution establishes annual targets of graduation rates according to financial aid status with the intent of achieving, where appropriate, a similar graduation rate for each cohort of students. Three cohorts of students shall be used for this measure, as they are identified in their first year of enrollment at the institution:

i. Students receiving Pell grants.

ii. Students receiving forms of need-based financial assistance other than Pell grants.

iii. Students receiving no need-based financial assistance.

Four-year institutions shall set targets based on four-year and six-year graduation rates.

The Virginia Community College System and Richard Bland College shall use two-year and four-year graduation rates.

3. Breadth of Academics

Institution maintains acceptable progress towards agreed upon targets for the number of graduates in high-need areas, as identified by the State Council of Higher Education.

4. Academic Standards

Institution reports on total programs reviewed under Southern Association of Colleges and Schools assessment of student learning outcomes criteria within the institution's established assessment cycle in which continuous improvement plans addressing recommended policy and program changes were implemented.

5. Student Retention and Timely Graduation

a) Institution maintains acceptable progress towards agreed upon targets for the average annual retention and progression rates of degree-seeking undergraduate students.

b) Institution maintains acceptable progress towards agreed upon targets for the ratio of total undergraduate degree awards to the number of annual full-time equivalent, degree-seeking undergraduate students.

6. Articulation Agreements and Dual Enrollment

a) Institution maintains acceptable progress towards agreed upon targets for the total number of transfer students, including as a priority those with an associate degree, from Virginia's public two-year colleges with the expectation that the general education credits from those institutions apply toward general education baccalaureate degree requirements.

b) The Virginia Community College System and Richard Bland College maintain acceptable progress towards agreed upon targets for the number of students involved in dual enrollment programs.

7. Research

Institution maintains acceptable progress towards agreed upon targets for the three-year moving average of total expenditures in grants and contracts for research.

b. BIENNIAL ASSESSMENTS

1. Affordability

a) Institution includes in its six-year plan the expected average borrowing of in-state students with established financial need, and the percentage of those students who borrow, and states its commitment to limit, where possible, the average borrowing to a level that maintains or increases access while not unduly compromising affordability.

b) Institution conducts a biennial assessment of the impact of tuition and fee levels net of financial aid on student indebtedness incurred for the payment of tuition and fees and provides the State Council with a copy of this study upon its completion and makes appropriate reference to its use within the required six-year plan. The institution shall also make a parent- and student-friendly version of this assessment widely available on the institution's website. The assessment should include, but is not limited to, the following information for in-state undergraduate students: a five-year historical overview of average tuition and fees, average federal loans and grants, average institutional aid, average state support, and average total debt burden.

c) This report, along with institutional tuition and fee information shall be prominently located on the institution's web site.

d) Institution will provide an addendum to the six-year plan identifying the steps it is taking to maintain its effort to meet the needs of in-state undergraduate financially-needy students taking into account tuition and fees, state appropriations, and financial need of these students.

2. Academic Standards˙Productivity

Institution reports biennially the ratio of degrees conferred per full-time equivalent instructional faculty member.

3. Articulation Agreements

Institution maintains acceptable progress towards agreed upon targets for the number of undergraduate programs or schools for which it has established a uniform articulation agreement by program or school for associate degree graduates transferring from all colleges of the Virginia Community College System and Richard Bland College.

4. Economic Development

Institution develops a specific set of actions to help address local and/or regional economic development needs consisting of specific partners, activities, fiscal support, and desired outcomes. A summary of activities will be reported to the State Council biennially.

5. Patents and Licenses

Institution reports biennially to the State Council the annual number of new patent awards and licenses.

6. Elementary and Secondary Education

a) Institution develops a specific set of actions with schools or school division administrations with specific goals to improve student achievement, upgrade the knowledge and skills of teachers, or strengthen the leadership skills of school administrators. A summary of activities and the improvements in student learning, if any, shall be reported to the State Council biennially.

b) The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.

c) 1. The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

2. Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.

d) Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

7. Campus Safety and Security

The institution shall work to adopt an acceptable number of the 27 Best Practice Recommendations for Campus Safety adopted by the Virginia Crime Commission on January 10, 2006. Each practice shall be considered by the institution as to how it fits in with current practices and the needs of the institution. Following each biennium of reporting, the institution shall enumerate those practices adopted by the institution.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23-9.2:3.02.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly and the institution governed under Chapters 594 and 616 of the 2008 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and

e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Minority Business Enterprise; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over $1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over $1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and the institution governed under Chapters 594 and 616 of the 2008 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly.

1. Financial

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and

e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

a) The institution shall maintain a bond rating of AA- or better;

b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and

c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and

b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Minority Business Enterprise; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and

b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

a) The institution will complete capital projects (with an individual cost of over $1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;

b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and

c) The institution shall pay competitive rates for leased office space - the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

a) The institution will complete major information technology projects (with an individual cost of over $1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and

b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23-9.6:1.01.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-10.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-11.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-12.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2012, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-13.00 EFFECTIVE DATE

This act is effective on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

2. That no provision of this act shall be construed or interpreted to cause the expiration of any provision of Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of such Chapter.

4. That §§ 16.1-69.48:1, 16.1-69.48:2, and 17.1-275 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of the fees provided for in this section shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-251 or 19.2-303.2; or (vi) proof of compliance with law under §§ 46.2-104 and 46.2-1157.

In addition to any other fee prescribed by this section, a fee of $35 shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the applicable fixed fee provided in subsection B, C, or D of this section more than once for a single appearance or trial in absence related to that incident. However, when a defendant who has multiple charges arising from the same incident and who has been assessed a fixed fee for one of those charges is later convicted of another charge that arises from that same incident and that has a higher fixed fee, he shall be assessed the difference between the fixed fee earlier assessed and the higher fixed fee.

A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

B. In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of $61. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.573770);

2. Virginia Crime Victim-Witness Fund (.049180);

3. Regional Criminal Justice Training Academies Fund (.016393);

4. Courthouse Construction/Maintenance Fund (.032787);

5. Criminal Injuries Compensation Fund (.098361);

6. Intensified Drug Enforcement Jurisdiction Fund (.065574);

7. Sentencing/supervision fee (General Fund) (.131148); and

8. Virginia Sexual and Domestic Violence Victim Fund (.032787).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of $136. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257353);

2. Virginia Crime Victim-Witness Fund (.022059);

3. Regional Criminal Justice Training Academies Fund (.007353);

4. Courthouse Construction/Maintenance Fund (.014706);

5. Criminal Injuries Compensation Fund (.044118);

6. Intensified Drug Enforcement Jurisdiction Fund (.029412);

7. Drug Offender Assessment and Treatment Fund (.551471);

8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.058824); and

9. Virginia Sexual and Domestic Violence Victim Fund (.014706).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of $51. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.764706);

2. Virginia Crime Victim-Witness Fund (.058824);

3. Regional Criminal Justice Training Academies Fund (.019608);

4. Courthouse Construction/Maintenance Fund (.039216);

5. Intensified Drug Enforcement Jurisdiction Fund (.078431); and

6. Virginia Sexual and Domestic Violence Victim Fund (.039216).

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be $30. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, $10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed $1 for the first two pages and $.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, $16 for an instrument or document consisting of 10 or fewer pages or sheets; $30 for an instrument or document consisting of 11 to 30 pages or sheets; and $50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of $15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, $20 for estates not exceeding $50,000, $25 for estates not exceeding $100,000 and $30 for estates exceeding $100,000. No fee shall be charged for estates of $5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, $10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, $10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, $3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be $15 in cases not exceeding $500 and $25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of $0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge $2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional $0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of $150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be $100 in cases seeking recovery not exceeding $49,999; $200in cases seeking recovery exceeding $49,999, but not exceeding $100,000; $250 in cases seeking recovery exceeding $100,000, but not exceeding $500,000; and $300 in cases

seeking recovery exceeding $500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of $25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be $50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, $12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, $10.

16. For each habeas corpus proceeding, the clerk shall receive $10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of $5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of $5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of $20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge $10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, $1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, $10.

23. For preparation and issuance of a subpoena duces tecum, $5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, $20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, $0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be $60, $10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit card a reasonable convenience fee not to exceed four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of $20 or 10 percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of $20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional $50 filing fee as required under § 63.2-1201 shall be deposited in the

Putative Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of $5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of $20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of $10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of $10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of $2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be $10.

44. For issuing any execution, and recording the return thereof, a fee of $1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of $5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of $1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

5. That §§ 15.2-1627.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1627.3. Attorneys for the Commonwealth and city attorneys; in criminal cases; when no costs or fees taxed.

The fees of attorneys for the Commonwealth in all felony and misdemeanor cases in which there is a conviction and sentence not set aside on appeal or a judgment for costs against the prosecutor, and for expenditures made in the discharge of his duties shall be as follows:

For each trial of a single count felony indictment, $40.

For each trial of a multiple count felony indictment, $40per count.

For each person tried for a misdemeanor in his circuit court,$15, and for each person prosecuted by him before such court of his county or city for a misdemeanor, which he is required by law to prosecute, or upon an indictment found by a grand jury, $15, and in every misdemeanor case so prosecuted the court or judge shall tax in the costs and enter judgment for such misdemeanor fee.

No attorney for the Commonwealth or city attorney shall receive a fee for appearing in misdemeanor cases before a district court notwithstanding any provision of law to the contrary.

No costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of any city or county or a city attorney of any city in any case, unless he in person, or by a duly authorized assistant, actually appears and prosecutes the proceedings before the court.

6. That § 46.2-878.3 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-878.3. Prepayment of fines for violations of speed limits.

Except as otherwise provided in this section, the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for prepayment of fines shall, in all instances where prepayment of a fine is permitted, include a fine of $6 per mile-per-hour in excess of posted speed limits provided for in this article. However, such Traffic Infractions and Uniform Fine Schedule shall include a fine of $7 per mile-per-hour in excess of posted speed limits for a violation of §§ 46.2-873 and 46.2-878.1 and $8 per mile-per-hour in excess of posted speed limits for a violation of § 46.2-878.2.

7. That § 58.1-615.1 of the Code of Virginia is repealed.

8. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2012. The provisions of the second, , fourth, fifth, sixth, and seventh enactments of this act shall have no expiration date.