

2004 SPECIAL SESSION I

INTRODUCED

042634260

HOUSE BILL NO. 5008

Offered March 30, 2004

A BILL to appropriate funds of and for the Commonwealth for the period July 1, 2004, through June 30, 2005.

Patrons—Callahan and Putney

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That appropriations are made as follows:

§ 1. Appropriations are hereby made in the total amount of \$13,046,560,468 from the general fund of the state treasury for the period July 1, 2004, through June 30, 2005, as follows:

Executive Department	
Office of the Governor	\$ 3,783,262
Administration	558,822,787
Commerce and Trade	112,902,875
Education	
(i)Direct Aid to Pub. Ed.	4,384,514,889
(ii)Central Off., Schools for Deaf and Blind	60,149,702
(iii)Higher Ed. and Other Ed.	1,378,857,297
Finance	464,503,600
Human Resources	3,220,349,825
Natural Resources	86,477,640
Public Safety	1,407,061,774
Technology	8,194,820
Transportation	40,044,067
Central Appropriations	947,750,661
Legislative Department	53,715,874
Judicial Department	301,825,414
Virginia Retirement System, and Office for Protection and Advocacy	466,247
Office of the Attorney General	16,828,026
Office of the Lieutenant Governor	311,708

§ 2. There is hereby appropriated to each applicable entity set forth in § 1, for the period July 1, 2004, through June 30, 2005, a sum sufficient amount of nongeneral funds consisting of applicable special funds, enterprise funds, trust and agency funds, dedicated special revenue funds, and federal trust funds to carry out the duties of such entities to be allocated in conformity with all relevant language in Chapter 1042 of the Acts of Assembly of 2003, as amended by the 2004 Session of the General Assembly, constituting limitations, conditions, powers, duties, responsibilities, and directives, as such were applicable to the second year of such act, and the same shall be applicable to the appropriations in this act, mutatis mutandis.

§ 3. Of the amounts appropriated in § 1 to each division within the Executive Department, the Governor shall allocate specific amounts among the agencies and entities within each such division to carry out the duties of each such agency and entity in conformity with all relevant language in Chapter 1042 of the Acts of Assembly of 2003, as amended by the 2004 Session of the General Assembly, constituting limitations, conditions, powers, duties, responsibilities, and directives, as such were applicable to the second year of such act, and the same shall be applicable to the appropriations in this act, mutatis mutandis. The Governor shall reduce any such amounts so appropriated herein by any one-time expenditure that was appropriated for the 2003-04 fiscal year and that was actually consummated during the 2003-04 fiscal year. Notwithstanding any other provision herein, the Governor shall allocate sufficient amounts to the applicable agency or entity to pay debt service that may come due during the period that this act is in effect on any bonds that have been issued that were authorized by the General Assembly to be paid from appropriations by the General Assembly.

Of the amounts appropriated in § 1 to the Legislative Department, except for amounts that are to be used solely for the distinct operation of the House or Senate, the House and Senate Joint Committee on Rules shall allocate specific amounts to the agencies and entities within the Legislative Department to

INTRODUCED

HB5008

59 carry out the duties of each such agency and entity in conformity with all relevant language in Chapter
 60 1042 of the Acts of Assembly of 2003, as amended by the 2004 Session of the General Assembly,
 61 constituting limitations, conditions, powers, duties, responsibilities, and directives, as such were
 62 applicable to the second year of such act, and the same shall be applicable to the appropriations in this
 63 act, mutatis mutandis. The Joint Committee on Rules shall reduce any such amounts so appropriated
 64 herein by any one-time expenditure that was appropriated for the 2003-04 fiscal year and that was
 65 actually consummated during the 2003-04 fiscal year. The House Committee on Rules and the Senate
 66 Committee on Rules shall allocate specific amounts for the operations of their respective bodies in
 67 conformity with all relevant language in Chapter 1042 of the Acts of Assembly of 2003, as amended by
 68 the 2004 Session of the General Assembly, constituting limitations, conditions, powers, duties,
 69 responsibilities, and directives, as such were applicable to the second year of such Act, and the same
 70 shall be applicable to the appropriations in this act, mutatis mutandis. Such Committees shall reduce any
 71 such amounts so appropriated herein by any one-time expenditure that was appropriated for the 2003-04
 72 fiscal year and that was actually consummated during the 2003-04 fiscal year.

73 Of the amounts appropriated in § 1 to the Judicial Department, the Supreme Court of Virginia shall
 74 allocate specific amounts among the agencies and entities within the Judicial Department to carry out the
 75 duties of each such agency and entity in conformity with all relevant language in Chapter 1042 of the
 76 Acts of Assembly of 2003, as amended by the 2004 Session of the General Assembly, constituting
 77 limitations, conditions, powers, duties, responsibilities, and directives, as such were applicable to the
 78 second year of such act, and the same shall be applicable to the appropriations in this act, mutatis
 79 mutandis. The Supreme Court shall reduce any such amounts so appropriated herein by any one-time
 80 expenditure that was appropriated for the 2003-04 fiscal year and that was actually consummated during
 81 the 2003-04 fiscal year.

82 § 4. A. In order to reimburse the general fund of the state treasury for expenses herein authorized to
 83 be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums
 84 stated below to the general fund from the nongeneral funds specified, except as noted, on January 1.
 85 Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four
 86 times a year, with each payment amounting to one-fourth of the total for the year, and such transfers
 87 shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of
 88 the fiscal year shall be made in the month of June.

89		
90	1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)	FY 2005
91	a) For expenses incurred for care, treatment, study and rehabilitation of	\$60,314,022
92	alcoholics by the Department of Mental Health, Mental Retardation and	
93	Substance Abuse Services and other state agencies (from Alcoholic Beverage	
94	Control gross profits)	
95	b) For expenses incurred by the Virginia Winegrowers Advisory Board (from	\$490,679
96	Alcoholic Beverage Control gross profits)	
97	c) For expenses incurred for care, treatment, study and rehabilitation of	\$9,886,363
98	alcoholics by the Department of Mental Health, Mental Retardation and	
99	Substance Abuse Services and other state agencies (from gross wine liter tax	
100	collections as specified in § 4.1-234, Code of Virginia)	
101	2. Forest Products Tax Fund (§ 58.1-1609 of the Code of Virginia)	
102	For collection by Department of Taxation	\$33,878
103	3. Peanut Fund (§ 3.1-662 of the Code of Virginia)	
104	For collection by Department of Taxation	\$969
105	4. Proceeds of the Tax on Motor Vehicle Fuels	
106	For inspection of gasoline, diesel fuel and motor oils	\$97,586
107	5. Virginia Retirement System (Trust and Agency)	
108	For postage by the Department of the Treasury	\$60,000
109	6. Department of Alcoholic Beverage Control (Enterprise)	
110	For services by the:	
111	a) Auditor of Public Accounts	\$75,521
112	b) Department of Accounts	\$64,607
113	c) Department of the Treasury	\$47,628
114	7. Department of Agriculture and Consumer Services (Federal Trust)	
115	For the Meat and Poultry Program	\$112,000
116	TOTAL	\$71,183,253

117 Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund
 118 shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of
 119 each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In
 120 the event actual net profits are less than the estimate transferred in June, the difference shall be deducted
 121 from the net profits of the next quarter and the resulting sum transferred to the general fund.
 122 Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits

are estimated at \$4,150,000.

Pursuant to subsection B of § 4.1-116 of the 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 § 4 of this act is subsequently determined to be in violation of any federal statute or regulation, 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 Bay and its tributaries as provided in subsection D of § 58.1-2289 of the 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, 2005.

154	Department of Motor Vehicles	\$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 by the Department of Taxation estimated at \$6,166,888.

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 \$2,812,642.

F. The State Comptroller shall transfer on or before June 30, 2005, to the general fund of the state treasury the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Code	Agency	Fund Group	FY 2005
912	Department of Veterans' Services	0 200	\$95,915
165	Department Of Housing And Community Development	0 925	\$5,597
222	Department of Professional and Occupational Regulation	0 259	\$848
325	Department of Business Assistance	0 200	\$126
325	Department of Business Assistance	0 900	\$12,447
411	Department of Forestry	0 200	\$5,178
411	Department of Forestry	0 926	\$198
851	Virginia Tobacco Indemnification and Community Revitalization Commission	0 900	\$234,663
146	The Science Museum Of Virginia	0 200	\$23,927
218	Virginia School For The Deaf And The Blind At Staunton	0 200	\$2,467
220	Melchers-Monroe Memorials	0 200	\$3,314
238	Virginia Museum of Fine Arts	0 200	\$50,000
239	Frontier Culture Museum Of Virginia	0 200	\$4,286
417	Gunston Hall	0 200	\$3,183
425	Jamestown-Yorktown Foundation	0 200	\$10,601
203	Woodrow Wilson Rehabilitation Center	0 200	\$141,765
601	Department of Health	0 900	\$76,494
602	Department Of Medical Assistance Services	0 900	\$70,390
852	Virginia Tobacco Settlement Foundation	0 900	\$30,197
199	Department Of Conservation And Recreation	0 200	\$9,361
199	Department Of Conservation And Recreation	0 900	\$131,302
402	Marine Resources Commission	0 249	\$31,474
402	Marine Resources Commission	0 900	\$1,073
403	Department of Game and Inland Fisheries	0 900	\$553,521
123	Department Of Military Affairs	0 901	\$1,844
127	Department of Emergency Management	0 400	\$10,302
140	Department of Criminal Justice Services	0 930	\$42,152
960	Department of Fire Programs	0 218	\$85,768
136	Virginia Information Technologies Agency	0 900	\$14,967
154	Department of Motor Vehicles	0 454	\$958,258
407	Virginia Port Authority	0 200	\$33,800

186	407	Virginia Port Authority	0 400	\$71,213
187	501	Department of Transportation	0 400	\$4,180,250
188	505	Department of Rail and Public Transportation	0 477	\$229,360
189	506	Motor Vehicle Dealer Board	0 212	\$10,120
190	841	Department of Aviation	0 475	\$87,935
191	171	State Corporation Commission	0 902	\$7,794
192	174	Virginia College Savings Plan	0500	\$107,791
193	175	Virginia Office for Protection and Advocacy	0 200	\$1,150

194 TOTAL \$7,341,031

195 G. The Comptroller shall transfer to the Lottery Proceeds Fund an amount estimated at \$395,000,000
 196 from the State Lottery Fund. The transfer shall be made in two parts: (1) on or before June 30, 2005,
 197 the Comptroller shall transfer balances of the State Lottery Fund for the fiscal year, based on an
 198 estimate determined by the State Lottery Department and (2) no later than ten days after receipt of the
 199 annual audit report required by § 58.1-4023 of the Code of Virginia, the Comptroller shall transfer to the
 200 Lottery Proceeds Fund the remaining audited balances of the State Lottery Fund for the prior fiscal year.
 201 If such annual audit discloses that the actual revenue is less than the estimate on which the transfer was
 202 based, the State Comptroller shall transfer the difference between the actual revenue and the estimate
 203 from the Lottery Proceeds Fund to the State Lottery Fund. The State Comptroller shall take all actions
 204 necessary to effect the transfers required by this paragraph, notwithstanding the provisions of
 205 § 58.1-4022 of the Code of Virginia. The amount so transferred to the Lottery Proceeds Fund shall be
 206 accounted for and considered to be part of the general fund of the state treasury pursuant to § 58.1-4022
 207 of the Code of Virginia.

208 H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund
 209 account that he manages and that receives investment income. The assessed fees, which are estimated to
 210 generate \$3,500,000, will be based on a sliding fee structure as determined by the State Treasurer. The
 211 amounts shall be paid into the general fund of the state treasury.

212 2. The State Treasurer is authorized to charge institutions of higher education participating in the
 213 pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis
 214 points of the amount financed for each project in addition to a share of direct costs of issuance as
 215 determined by the State Treasurer. Such amounts collected, which are estimated to generate \$100,000,
 216 shall be paid into the general fund of the state treasury.

217 3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize
 218 alternative financing structures and require Treasury Board approval, including capital lease
 219 arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of
 220 issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general
 221 fund of the state treasury.

222 I. The State Comptroller shall transfer to the general fund of the state treasury fifty percent of the
 223 annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of
 224 asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the
 225 state agencies that incurred the expense of the asbestos abatement.

226 J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in
 227 the state treasury any amounts in excess of the limitation specified in § 2.2-1829 of the Code of
 228 Virginia.

229 K.1. Not later than thirty days after the close of each quarter during the year, the Comptroller shall
 230 transfer, notwithstanding the allotment specified in § 58.1-1410 of the Code of Virginia, funds collected
 231 pursuant to § 58.1-1402 of the Code of Virginia, from the general fund to the Game Protection Fund.
 232 This transfer shall not exceed \$2,814,755.

233 2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion,
 234 direct the Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to
 235 § 58.1-1402 of the Code of Virginia, that are in excess of the official revenue forecast for such
 236 collections.

237 L. The State Comptroller shall transfer prior to January 1, 2005, respectively, to the general fund of
 238 the state treasury the following amounts from the agencies and fund sources listed below, for expenses
 239 incurred in processing payroll.

241	Agency Name	Fund Group	FY 2005
242	Department of Minority Business Enterprise	0410	\$695
243	Department of Criminal Justice Services	1000	\$24,707
244	Virginia Information Technologies Agency	0600	\$31,222
245	Department of Professional and Occupational Regulation	0900	\$11,761
246	Department for the Aging	1000	\$910
247	Department of Health Professions	0900	\$11,930

248	Department of Medical Assistance Services	1000	\$12,565
249	Department of Emergency Management	1000	\$5,265
250	Department of Fire Programs	0218	\$4,400
251	Department of Rail and Public Transportation	0410	\$2,197
252	TOTAL		\$105,652

253 M.1. On or before June 30, 2005, the State Comptroller shall transfer from the general fund to the
 254 Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352 of the
 255 Code of Virginia. This transfer shall not exceed \$14,065,627. The State Comptroller shall transfer 90
 256 percent of the yearly estimated amounts to the Trust Fund on July 15.

257 2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family
 258 Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903).

259 N. The Comptroller shall transfer to the general fund on June 30, 2005, the amount in excess of
 260 \$750,000 in the Regulatory and Consumer Advocacy Revolving Trust Fund of the Office of the
 261 Attorney General (Fund 0239) in accordance with Item 51 of this act.

262 O. Not later than thirty days after the close of each quarter during the year, the Comptroller shall
 263 transfer to the Game Protection Fund the general fund revenues collected pursuant to subsection E of
 264 § 58.1-638 of the Code of Virginia. Notwithstanding subsection E of § 58.1-638 this transfer shall not
 265 exceed \$10,525,125.

266 P. On or before June 30, 2005, the State Comptroller shall transfer \$250,000 to the general fund
 267 from the special fund balance of the Commission on the Virginia Alcohol Safety Action Program to
 268 reimburse the general fund for expenses incurred on related activities.

269 Q.1. Notwithstanding any contrary provision of law, on or before June 30, 2005, the State
 270 Comptroller shall transfer amounts estimated at \$18,745,408 to the general fund of the state treasury
 271 from the state agencies indicated.

272				
273	Agency	Agency	Fund Group	First
274	Code	Name	Fund Detail	Year
275	129	Department of Human Resource Management	0200	\$99,496
276	129	Department of Human Resource Management	0700	\$69,607
277	157	Compensation Board	0708	\$231,393
278	194	Department of General Services	0600	\$1,000,000
279	912	Department of Veterans' Services	0200	\$17,570
280	912	Department of Veterans' Services	0200	\$4,650
281	181	Department of Labor and Industry	0200	\$10,678
282	182	Virginia Employment Commission	0200	\$109,845
283	222	Department of Professional and Occupational Regulation	0900	\$108,301
284	226	Board of Accountancy	0900	\$13,185
285	325	Department of Business Assistance	0900	\$2,246
286	411	Department of Forestry	0200	\$90,389
287	201	Department Of Education, Central Office Operations	0200	\$150,000
288	202	The Library Of Virginia	0200	\$156,650
289	262	Department of Rehabilitative Services	0200	\$498,168
290	601	Department of Health	0200	\$62,500
291	601	Department of Health	0900	\$24,750
292	702	Department For The Blind And Vision Impaired	0200	\$37,575
293	765	Department of Social Services	0200	\$41,019
294	199	Department Of Conservation And Recreation	0200	\$61,300
295	440	Department of Environmental Quality	0900	\$418,100
296	127	Department of Emergency Management	0400	\$76,237
297	127	Department of Emergency Management	0700	\$29,500
298	140	Department of Criminal Justice Services	0200	\$186,000
299	140	Department of Criminal Justice Services	0900	\$211,382
300	156	Department of State Police	0200	\$603,800
301	156	Department of State Police	0400	\$304,288
302	777	Department of Juvenile Justice	0900	\$218,950
303	960	Department of Fire Programs	0200	\$1,405,100
304	136	Virginia Information Technologies Agency	0900	\$1,902,000
305	154	Department of Motor Vehicles	0400	\$5,764,876
306	154	Department of Motor Vehicles	0700	\$809,250
307	407	Virginia Port Authority	0200	\$285,748
308	505	Department of Rail and Public Transportation	0400	\$259,247
309	505	Department of Rail and Public Transportation	0410	\$134,889
310	506	Motor Vehicle Dealer Board	0200	\$170,907
311	841	Department of Aviation	0400	\$3,200,000
312	841	Department of Aviation	0461	\$30,735

313 Total \$18,800,331
314 2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the
315 above-cited amounts between agencies and between fund/fund detail amounts, so as to increase or
316 decrease the amounts for an agency or for a designated fund/fund detail code, provided, however, that
317 such adjustments shall not increase the total transfers to amounts in excess of the sums cited above. The
318 Department of Planning and Budget shall notify the State Comptroller of such adjustments.
319 R.1. On or before June 30, 2005, the State Comptroller shall transfer from the Tobacco
320 Indemnification and Community Revitalization Fund to the general fund an amount estimated at
321 \$215,401. This amount represents the Tobacco Indemnification and Community Revitalization
322 Commission's fifty percent proportional share of the Office of the Attorney General's and Tax
323 Department's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement
324 and § 3.1-336.2 of the Code of Virginia
325 2. On or before June 30, 2005, the State Comptroller shall transfer from the Tobacco Settlement
326 Fund to the general fund an amount estimated at \$43,080. This amount represents the Tobacco
327 Settlement Foundation's ten percent proportional share of the Office of the Attorney General's and the
328 Department of Taxation's expenses related to the enforcement of the 1998 Tobacco Master Settlement
329 Agreement and § 3.1-336.2 of the Code of Virginia.
330 S. On or before June 30, 2005, the State Comptroller shall transfer to the general fund \$1,200,000
331 from the Court Debt Collection Program Fund at the Department of Taxation.
332 T. The State Comptroller shall transfer to the general fund, on or before June 30, 2005, from the
333 University of Virginia Medical Center, the actual amount of interest income earned by the investment of
334 the University of Virginia Medical Center's nongeneral operating cash balances pursuant to subsection C
335 of § 23-77.4. of the Code of Virginia, or \$2,000,000, whichever is less.
336 U.1. Revenue from the sale of the following surplus properties shall be deposited into the general
337 fund, notwithstanding the provisions of subsection B of § 2.2-1125 of the Code of Virginia: the Old
338 Fairfax Residency Complex (Northern Virginia Training Facility), operated by the Department of
339 Transportation; the Tidewater Detention Center in Chesapeake, operated by the Department of
340 Corrections; the Staunton Correctional Center, operated by the Department of Corrections; and
341 approximately ten acres of land adjacent to the White Post Detention Center, operated by the
342 Department of Corrections.
343 2. Out of the amounts transferred to the general fund pursuant to subparagraph U. 1. above, the
344 Comptroller shall transfer one-half of the net proceeds, but not more than \$2,965,000, to the
345 Conservation Resources Fund (§ 10.1-202 of the Code of Virginia).
346 V. On or before June 30, 2005, the Comptroller shall transfer \$5,700,000 from the Department of
347 Motor Vehicle's Uninsured Motorists Fund to the general fund. Of that amount, \$5,700,000 shall be
348 from the share transferred to the State Corporation Commission.
349 W. On or before June 30, 2005, the State Comptroller shall transfer \$5,500,000 to the general fund
350 from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice
351 Services.
352 X. On or before June 30, 2005, the State Comptroller shall transfer \$2,644,000 to the general fund
353 from the Alcoholic Beverage Control Fund, representing ongoing budget reduction, to be obtained
354 through efficiencies at the Department of Alcoholic Beverage Control.
355 Y. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund
356 accounts to the general fund an amount estimated at \$10,396,608 representing the fiscal year 2005
357 savings from a continued premium holiday on employer contributions for the group life program for
358 state employees. Appropriated funds from federal sources are exempt from this transfer.
359 Z. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund
360 accounts to the general fund an amount estimated at \$3,407,961 representing the fiscal year 2005
361 savings from the utilization of a 30-year amortization period for the valuation of Virginia Retirement
362 System assets and liabilities in determining employer retirement contribution rates. Appropriated funds
363 from federal sources are exempt from this transfer.
364 AA. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund
365 accounts to the general fund an amount estimated at \$2,503,872 representing the fiscal year 2005
366 savings from an adjustment in the contribution rates paid by state agencies on behalf of their employees
367 for the retiree healthcare credit program. Appropriated funds from federal sources are exempt from this
368 transfer.
369 BB. The State Comptroller shall transfer from agency and institution nongeneral fund accounts to the
370 general fund an amount estimated at \$1,352,284 on or before June 30, 2005, resulting from savings
371 pursuant to a Virginia Information Technologies Agency rate decrease for telecommunications services
372 effective November, 2003. The Director, Department of Planning and Budget, shall provide the
373 Comptroller with the amount to be transferred from each agency and institution of higher education.
374 CC. The State Comptroller shall transfer from agency nongeneral fund accounts to the general fund

an amount estimated at \$671,200 on or before June 30, 2005, resulting from savings pursuant to a centralized electronic mail system managed by the Virginia Information Technologies Agency. The Director, Department of Planning and Budget, shall provide the Comptroller with the amount to be transferred from each agency.

DD. The State Comptroller shall transfer from agency nongeneral fund accounts to the general fund an amount estimated at \$18,000 on or before June 30, 2005, 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.

§ 5. INTERAGENCY TRANSFERS

A.1. On July 1, the Commonwealth Transportation Commissioner shall transfer the sum of \$400,000 from the Transportation Trust Fund to the Insurance Trust Fund in the Department of the Treasury. This transfer shall be made annually until the \$5,000,000 transferred from the Insurance Trust Fund to the Liability Insurance Trust Fund for Commuter Rail Services pursuant to § 3-1.01 I of Chapter 723 of the 1991 Acts of Assembly has been repaid. The State Treasurer is authorized to call upon the Transportation Trust Fund for sums up to a total of \$5,000,000 for the Insurance Trust Fund in order to maintain a positive cash flow in the Insurance Trust Fund.

2. To the extent that any of the \$5,000,000 is transferred from the Transportation Trust Fund to the Insurance Trust Fund by virtue of the authority contained herein, such amount shall be credited toward the \$5,000,000 repayment due the Insurance Trust Fund.

B. The Department of Alcoholic Beverage Control shall transfer \$205,000 to the Department of Criminal Justice Services for testing services provided for ABC Law Enforcement.

C. The Department of Alcoholic Beverage Control shall transfer \$593,600 to the Department of Criminal Justice Services to fund the Breathalyzer Training and Certification Program.

D. The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$282,905 to the Department of General Services for motor fuels testing.

§ 6. 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.

§ 7. ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of 2005, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30.

§ 8. CHARGES AGAINST WORKING CAPITAL FUNDS

436 The State Comptroller may periodically charge the appropriation of any state agency for the expenses
 437 incurred for services received from any program financed and accounted for by working capital funds.
 438 Such charge may be made upon receipt of such documentation as in the opinion of the State
 439 Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made
 440 to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital
 441 fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute
 442 may be restored to the agency appropriation by direction of the Governor.

443 § 9. LINES OF CREDIT

444 a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the
 445 amounts shown:

446		
447	State Lottery Department	\$25,000,000
448	Department of Alcoholic Beverage Control	\$40,000,000
449	Department of Emergency Management	\$150,000
450	Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
451	Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
452	Department of the Treasury for the State Insurance Reserve Trust Fund	\$15,000,000
453	Department of the Treasury, for the Teacher Liability Insurance Program	\$1,000,000
454	Administration of Health Insurance	\$25,000,000
455	Department of Human Resource Management, for the Workers' Compensation Self	\$10,000,000
456	Insurance Trust Fund	
457	Department of Environmental Quality	\$5,000,000
458	Department of Motor Vehicles	\$5,000,000

459 b. The State Comptroller shall execute an agreement with each agency documenting the procedures
 460 for the line of credit, including, but not limited to, applicable interest and the method for the drawdown
 461 of funds. The provisions of § 4-3.02 b of Chapter 1042 of the 2003 Acts of Assembly shall not apply to
 462 these lines of credit.

463 § 10. PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

464 The Virginia Public School Authority shall transfer to the general fund an amount estimated at
 465 \$170,221 on or before June 30, 2005, to reimburse the Commonwealth for staff and other administrative
 466 services provided to the Authority by the Department of the Treasury.

467 § 11. PAYMENT BY THE STATE TREASURER

468 The State Treasurer shall transfer an amount estimated at \$55,075 on or before June 30, 2005, to the
 469 general fund from excess 9(c) sinking fund balances.

470 § 12. PAYMENT FROM IMMIGRATION AND NATURALIZATION SERVICE

471 All payments received by the Department of Corrections from the United States Immigration and
 472 Naturalization Service pursuant to the State Criminal Alien Assistance Program for housing illegal aliens
 473 and other prisoners shall be deposited directly into the general fund consistent with § 4-2.02 a 1 (g) of
 474 Chapter 1042 of the 2003 Acts of Assembly . The estimated amount of the payment to be received
 475 during the year is \$500,000.

476 § 13. AUXILIARY ENTERPRISE INVESTMENT YIELDS

477 A. The educational and general programs in institutions of higher education shall recover the full
 478 indirect cost of auxiliary enterprise programs as determined by the State Council of Higher Education.
 479 The State Comptroller shall credit those institutions meeting this requirement with the interest earned by
 480 the investment of the funds of their auxiliary enterprise programs.

481 B. No interest shall be credited for that portion of the fund's cash balance that represents any
 482 outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the
 483 capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

484 § 14. RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

485 Notwithstanding any other provision of law, for purchases made between July 1, 2004, and June 30,
 486 2005, any exemption from the retail sales and use tax applicable to production, distribution, and other
 487 equipment used to provide Internet-access services by providers of Internet service, as defined in
 488 § 58.1-602 of the Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax
 489 Commissioner shall develop procedures for such refunds.

490 § 15. QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

491 Notwithstanding any other provision of law, for taxable years beginning on and after January 1,
 492 2004, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under
 493 §58.1-339.4 of the Code of Virginia, shall be limited to \$3,000,000 for calendar years 2004 through
 494 2005.

495 § 16. RETALIATORY COSTS TO OTHER STATES TAX CREDIT

496 Notwithstanding any other provision of law, for license years beginning on and after July 1, 2004,
 497 and taxable years ending on and after December 31, 2004, the amount of the Tax Credit for Retaliatory
 498 Costs to Other States available under § 58.1-2510 of the 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.

§ 17. PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-2425 of the 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 of the 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 general fund of the state treasury beginning July 1, 2003.

§ 18. MOTOR VEHICLE FEES

A. Notwithstanding the provisions of Article 7, Chapter 6, Title 46.2, Code of Virginia the Department of Motor Vehicles shall transfer to the general fund the additional medical services revenue in accordance with Chapter 794, Acts of Assembly of 2002.

B. On or before June 30, 2005, the State Comptroller shall transfer to the general fund the revenue from the fee authorized by § 46.2-214.1 of the Code of Virginia.

C. The provisions of §§ 46.2-216.3 and 46.2-697.1 of the Code of Virginia shall no longer be applied.