

12102815D

HOUSE BILL NO. 501

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 2.2-1514 of the Code of Virginia, as it is currently effective and as it may become effective, relating to assignments of the general fund balance remaining at the end of each fiscal year.*

Patron—Dance

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1514 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 2.2-1514. (Contingent expiration date - see Editor's notes) Assignment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.

B. At the end of each fiscal year, the Comptroller shall assign within his annual report pursuant to § 2.2-813 as follows: ~~one-third~~ 15 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be assigned by the Comptroller for *kindergarten through grade 12 public education programs other than Standards of Quality programs*, 18 percent shall be assigned for nonrecurring expenditures, and ~~two-thirds~~ 67 percent shall be assigned for deposit into the Transportation Trust Fund. No such assignment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time ~~an amount~~ *amounts for kindergarten through grade 12 public education programs other than Standards of Quality programs*, ~~amounts~~ *amounts for nonrecurring expenditures*, and ~~an amount~~ *amounts for deposit into the Transportation Trust Fund equal to the amounts assigned by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.*

§ 2.2-1514. (Contingent effective date - see Editor's notes) Assignment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act.

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59 B. At the end of each fiscal year, the Comptroller shall assign within his annual report pursuant to
60 § 2.2-813 ~~an amount for nonrecurring expenditures, which shall equal~~ *as follows: 15 percent of the*
61 remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for
62 other usage within the general fund *shall be assigned by the Comptroller for kindergarten through grade*
63 *12 public education programs other than Standards of Quality programs and 85 percent shall be*
64 *assigned for nonrecurring expenditures.* No such assignment shall be made unless the full amounts
65 required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue
66 Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund
67 deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural
68 Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations
69 pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the
70 general appropriation act, and (b) reappropriations of unexpended appropriations to certain public
71 institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public
72 institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the
73 general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of
74 certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall
75 set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as
76 determined under § 2.2-5005 and for all fiscal years thereafter.

77 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
78 appropriations from the general fund or recommended amendments to general fund appropriations in the
79 general appropriation act in effect at that time ~~an amount~~ *amounts for kindergarten through grade 12*
80 *public education programs other than Standards of Quality programs and amounts for nonrecurring*
81 *expenditures equal to the* ~~amount~~ *amounts assigned by the Comptroller for such* ~~purpose~~ *purposes*
82 pursuant to the provisions of subsection B ~~of this section.~~