

2004 SPECIAL SESSION I

ENGROSSED

042634260

HOUSE BILL NO. 5008

House Amendments in [] — April 6, 2004

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

Patron Prior to Engrossment—Delegate Callahan

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.

[*The Director, Department of Planning and Budget shall withhold from agency general fund appropriations listed in § 1 and from agency nongeneral fund appropriations authorized in § 2, and amount estimated at \$25,000,000 representing savings from the implementation of information technology reform. The Governor is directed to reallocate such savings as follows: Effective July 1, 2004, sworn officers of the Virginia Department of State Police shall receive an increase in base salary and related employee benefits equal to 9.30 percent, estimated to total \$8,153,000.]*

[*The Director, Department of Planning and Budget shall withhold from agency general fund appropriations listed in § 1 and from agency nongeneral fund appropriations authorized in § 2, and amount estimated at \$25,000,000 representing savings from the implementation of information technology reform. The Governor is directed to reallocate such savings as follows: The remaining moneys available from the information technology consolidation and reform, estimated at \$16,847,000, shall be transferred to the Department of Medical Assistance Services and used to add 670 new waiver slots under the Mental Retardation Waiver Program effective July 1, 2004.]*

§ 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

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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 Governor shall reduce any such amounts so appropriated herein by any
 64 one-time expenditure that was appropriated for the 2003-04 fiscal year and that was actually
 65 consummated during the 2003-04 fiscal year. Notwithstanding any other provision herein, the Governor
 66 shall allocate sufficient amounts to the applicable agency or entity to pay debt service that may come
 67 due during the period that this act is in effect on any bonds that have been issued that were authorized
 68 by the General Assembly to be paid from appropriations by the General Assembly.

69 Of the amounts appropriated in § 1 to the Legislative Department, except for amounts that are to be
 70 used solely for the distinct operation of the House or Senate, the House and Senate Joint Committee on
 71 Rules shall allocate specific amounts to the agencies and entities within the Legislative Department to
 72 carry out the duties of each such agency and entity in conformity with all relevant language in Chapter
 73 1042 of the Acts of Assembly of 2003, as amended by the 2004 Session of the General Assembly,
 74 constituting limitations, conditions, powers, duties, responsibilities, and directives, as such were
 75 applicable to the second year of such act, and the same shall be applicable to the appropriations in this
 76 act, mutatis mutandis. The Joint Committee on Rules shall reduce any such amounts so appropriated
 77 herein by any one-time expenditure that was appropriated for the 2003-04 fiscal year and that was
 78 actually consummated during the 2003-04 fiscal year. The House Committee on Rules and the Senate
 79 Committee on Rules shall allocate specific amounts for the operations of their respective bodies in
 80 conformity with all relevant language in Chapter 1042 of the Acts of Assembly of 2003, as amended by
 81 the 2004 Session of the General Assembly, constituting limitations, conditions, powers, duties,
 82 responsibilities, and directives, as such were applicable to the second year of such Act, and the same
 83 shall be applicable to the appropriations in this act, mutatis mutandis. Such Committees shall reduce any
 84 such amounts so appropriated herein by any one-time expenditure that was appropriated for the 2003-04
 85 fiscal year and that was actually consummated during the 2003-04 fiscal year.

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

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

102	1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of	FY 2005
103	Virginia)	
104	a) For expenses incurred for care, treatment, study and rehabilitation of	\$60,314,022
105	alcoholics by the Department of Mental Health, Mental Retardation and	
106	Substance Abuse Services and other state agencies (from Alcoholic	
107	Beverage Control gross profits)	
108	b) For expenses incurred by the Virginia Winegrowers Advisory Board	\$490,679
109	(from Alcoholic Beverage Control gross profits)	
110	c) For expenses incurred for care, treatment, study and rehabilitation of	\$9,886,363
111	alcoholics by the Department of Mental Health, Mental Retardation and	
112	Substance Abuse Services and other state agencies (from gross wine liter	
113	tax collections as specified in § 4.1-234, Code of Virginia)	
114	2. Forest Products Tax Fund (§ 58.1-1609 of the Code of Virginia)	
115	For collection by Department of Taxation	\$33,878
116	3. Peanut Fund (§ 3.1-662 of the Code of Virginia)	
117	For collection by Department of Taxation	\$969
118	4. Proceeds of the Tax on Motor Vehicle Fuels	
119	For inspection of gasoline, diesel fuel and motor oils	\$97,586
120	5. Virginia Retirement System (Trust and Agency)	
121	For postage by the Department of the Treasury	\$60,000
122	6. Department of Alcoholic Beverage Control (Enterprise)	

123	For services by the:	
124	a) Auditor of Public Accounts	\$75,521
125	b) Department of Accounts	\$64,607
126	c) Department of the Treasury	\$47,628
127	7. Department of Agriculture and Consumer Services (Federal Trust)	
128	For the Meat and Poultry Program	\$112,000
129	TOTAL	\$71,183,253

130 Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund
 131 shall be made four times a year, and such transfers shall be made within 50 days of the close of each
 132 quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the
 133 event actual net profits are less than the estimate transferred in June, the difference shall be deducted
 134 from the net profits of the next quarter and the resulting sum transferred to the general fund.
 135 Distributions to localities shall be made within 50 days of the close of each quarter. Net profits are
 136 estimated at \$4,150,000.

137 Pursuant to subsection B of § 4.1-116 of the Code of Virginia, the Department of Alcoholic
 138 Beverage Control shall notify the State Comptroller of the amount to be deducted quarterly from the net
 139 profits for transfer to the reserve fund established by the cited section.

140 B. 1. If any transfer to the general fund required by § 4 of this act is subsequently determined to be
 141 in violation of any federal statute or regulation, the State Comptroller is hereby directed to reverse such
 142 transfer and to return such funds to the affected nongeneral fund account.

143 2. There is hereby appropriated from the applicable funds such amounts as are required to be
 144 refunded to the federal government for mutually agreeable resolution of internal service fund
 145 over-recoveries as identified by the U.S. Department of Health and Human Services' review of the
 146 annual Statewide Indirect Cost Allocation Plans.

147 C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as
 148 provided in subsection D of § 58.1-2289 of the Code of Virginia, there is hereby transferred to the
 149 general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be
 150 responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred
 151 on June 30, 2005.

152	154	Department of Motor Vehicles	\$7,416,469
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153 D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State
 154 Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales
 155 Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance
 156 efforts and retention of local mapping services by the Department of Taxation estimated at \$6,166,888.

157 E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a
 158 proportionate share of the costs attributable to increased sales and use tax compliance efforts by the
 159 Department of Taxation estimated at \$2,812,642.

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

163	Agency	Agency	Fund Group	FY 2005
164	Code			
165	912	Department of Veterans' Services	0 200	\$95,915
166	165	Department of Housing And Community	0 925	\$5,597
167		Development		
168	222	Department of Professional and Occupational	0 259	\$848
169		Regulation		
170	325	Department of Business Assistance	0 200	\$126
171	325	Department of Business Assistance	0 900	\$12,447
172	411	Department of Forestry	0 200	\$5,178
173	411	Department of Forestry	0 926	\$198
174	851	Virginia Tobacco Indemnification and Community	0 900	\$234,663
175		Revitalization Commission		
176	146	The Science Museum of Virginia	0 200	\$23,927
177	218	Virginia School For The Deaf And The Blind At	0 200	\$2,467
178		Staunton		
179	220	Melchers-Monroe Memorials	0 200	\$3,314
180	238	Virginia Museum of Fine Arts	0 200	\$50,000
181	239	Frontier Culture Museum of Virginia	0 200	\$4,286
182	417	Gunston Hall	0 200	\$3,183
183	425	Jamestown-Yorktown Foundation	0 200	\$10,601
184	203	Woodrow Wilson Rehabilitation Center	0 200	\$141,765
185	601	Department of Health	0 900	\$76,494

186	602	Department of Medical Assistance Services	0 900	\$70,390
187	852	Virginia Tobacco Settlement Foundation	0 900	\$30,197
188	199	Department of Conservation and Recreation	0 200	\$9,361
189	199	Department of Conservation and Recreation	0 900	\$131,302
190	402	Marine Resources Commission	0 249	\$31,474
191	402	Marine Resources Commission	0 900	\$1,073
192	403	Department of Game and Inland Fisheries	0 900	\$553,521
193	123	Department of Military Affairs	0 901	\$1,844
194	127	Department of Emergency Management	0 400	\$10,302
195	140	Department of Criminal Justice Services	0 930	\$42,152
196	960	Department of Fire Programs	0 218	\$85,768
197	136	Virginia Information Technologies Agency	0 900	\$14,967
198	154	Department of Motor Vehicles	0 454	\$958,258
199	407	Virginia Port Authority	0 200	\$33,800
200	407	Virginia Port Authority	0 400	\$71,213
201	501	Department of Transportation	0 400	\$4,180,250
202	505	Department of Rail and Public Transportation	0 477	\$229,360
203	506	Motor Vehicle Dealer Board	0 212	\$10,120
204	841	Department of Aviation	0 475	\$87,935
205	171	State Corporation Commission	0 902	\$7,794
206	174	Virginia College Savings Plan	0500	\$107,791
207	175	Virginia Office for Protection and Advocacy	0 200	\$1,150

208 TOTAL \$7,341,031

209 G. The Comptroller shall transfer to the Lottery Proceeds Fund an amount estimated at \$395,000,000
 210 from the State Lottery Fund. The transfer shall be made in two parts: (1) on or before June 30, 2005,
 211 the Comptroller shall transfer balances of the State Lottery Fund for the fiscal year, based on an
 212 estimate determined by the State Lottery Department and (2) no later than 10 days after receipt of the
 213 annual audit report required by § 58.1-4023 of the Code of Virginia, the Comptroller shall transfer to the
 214 Lottery Proceeds Fund the remaining audited balances of the State Lottery Fund for the prior fiscal year.
 215 If such annual audit discloses that the actual revenue is less than the estimate on which the transfer was
 216 based, the State Comptroller shall transfer the difference between the actual revenue and the estimate
 217 from the Lottery Proceeds Fund to the State Lottery Fund. The State Comptroller shall take all actions
 218 necessary to effect the transfers required by this paragraph, notwithstanding the provisions of
 219 § 58.1-4022 of the Code of Virginia. The amount so transferred to the Lottery Proceeds Fund shall be
 220 accounted for and considered to be part of the general fund of the state treasury pursuant to § 58.1-4022
 221 of the Code of Virginia.

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

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

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

236 I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the
 237 annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of
 238 asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the
 239 state agencies that incurred the expense of the asbestos abatement.

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

243 K. 1. Not later than 30 days after the close of each quarter during the year, the Comptroller shall
 244 transfer, notwithstanding the allotment specified in § 58.1-1410 of the Code of Virginia, funds collected
 245 pursuant to § 58.1-1402 of the Code of Virginia, from the general fund to the Game Protection Fund.
 246 This transfer shall not exceed \$2,814,755.

247 2. Notwithstanding the provisions of subparagraph K. 1. above, the Governor may, at his discretion,
 248 direct the Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to

§ 58.1-1402 of the Code of Virginia, that are in excess of the official revenue forecast for such collections.

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

Agency Name	Fund Group	FY 2005
Department of Minority Business Enterprise	0410	\$695
Department of Criminal Justice Services	1000	\$24,707
Virginia Information Technologies Agency	0600	\$31,222
Department of Professional and Occupational Regulation	0900	\$11,761
Department for the Aging	1000	\$910
Department of Health Professions	0900	\$11,930
Department of Medical Assistance Services	1000	\$12,565
Department of Emergency Management	1000	\$5,265
Department of Fire Programs	0218	\$4,400
Department of Rail and Public Transportation	0410	\$2,197
TOTAL		\$105,652

M. 1. On or before June 30, 2005, 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 of the Code of Virginia. This transfer shall not exceed \$14,065,627. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15.

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).

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

O. Not later than 30 days after the close of each quarter during the year, the Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to subsection E of § 58.1-638 of the Code of Virginia. Notwithstanding subsection E of § 58.1-638 this transfer shall not exceed \$10,525,125.

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

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

Agency Code	Agency Name	Fund Group Fund Detail	First Year
129	Department of Human Resource Management	0200	\$99,496
129	Department of Human Resource Management	0700	\$69,607
157	Compensation Board	0708	\$231,393
194	Department of General Services	0600	\$1,000,000
912	Department of Veterans' Services	0200	\$17,570
912	Department of Veterans' Services	0200	\$4,650
181	Department of Labor and Industry	0200	\$10,678
182	Virginia Employment Commission	0200	\$109,845
222	Department of Professional and Occupational Regulation	0900	\$108,301
226	Board of Accountancy	0900	\$13,185
325	Department of Business Assistance	0900	\$2,246
411	Department of Forestry	0200	\$90,389
201	Department of Education, Central Office Operations	0200	\$150,000
202	The Library of Virginia	0200	\$156,650
262	Department of Rehabilitative Services	0200	\$498,168
601	Department of Health	0200	\$62,500
601	Department of Health	0900	\$24,750
702	Department for the Blind And Vision Impaired	0200	\$37,575
765	Department of Social Services	0200	\$41,019
199	Department of Conservation And Recreation	0200	\$61,300
440	Department of Environmental Quality	0900	\$418,100
127	Department of Emergency Management	0400	\$76,237
127	Department of Emergency Management	0700	\$29,500
140	Department of Criminal Justice Services	0200	\$186,000
140	Department of Criminal Justice Services	0900	\$211,382
156	Department of State Police	0200	\$603,800
156	Department of State Police	0400	\$304,288

314	777	Department of Juvenile Justice	0900	\$218,950
315	960	Department of Fire Programs	0200	\$1,405,100
316	136	Virginia Information Technologies Agency	0900	\$1,902,000
317	154	Department of Motor Vehicles	0400	\$5,764,876
318	154	Department of Motor Vehicles	0700	\$809,250
319	407	Virginia Port Authority	0200	\$285,748
320	505	Department of Rail and Public Transportation	0400	\$259,247
321	505	Department of Rail and Public Transportation	0410	\$134,889
322	506	Motor Vehicle Dealer Board	0200	\$170,907
323	841	Department of Aviation	0400	\$3,200,000
324	841	Department of Aviation	0461	\$30,735
325	Total			\$18,800,331

326 2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the
 327 above-cited amounts between agencies and between fund/fund detail amounts, so as to increase or
 328 decrease the amounts for an agency or for a designated fund/fund detail code, provided, however, that
 329 such adjustments shall not increase the total transfers to amounts in excess of the sums cited above. The
 330 Department of Planning and Budget shall notify the State Comptroller of such adjustments.

331 R. 1. On or before June 30, 2005, the State Comptroller shall transfer from the Tobacco
 332 Indemnification and Community Revitalization Fund to the general fund an amount estimated at
 333 \$215,401. This amount represents the Tobacco Indemnification and Community Revitalization
 334 Commission's 50 percent proportional share of the Office of the Attorney General's and Tax
 335 Department's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement
 336 and § 3.1-336.2 of the Code of Virginia

337 2. On or before June 30, 2005, the State Comptroller shall transfer from the Tobacco Settlement
 338 Fund to the general fund an amount estimated at \$43,080. This amount represents the Tobacco
 339 Settlement Foundation's 10 percent proportional share of the Office of the Attorney General's and the
 340 Department of Taxation's expenses related to the enforcement of the 1998 Tobacco Master Settlement
 341 Agreement and § 3.1-336.2 of the Code of Virginia.

342 S. On or before June 30, 2005, the State Comptroller shall transfer to the general fund \$1,200,000
 343 from the Court Debt Collection Program Fund at the Department of Taxation.

344 T. The State Comptroller shall transfer to the general fund, on or before June 30, 2005, from the
 345 University of Virginia Medical Center, the actual amount of interest income earned by the investment of
 346 the University of Virginia Medical Center's nongeneral operating cash balances pursuant to subsection C
 347 of § 23-77.4. of the Code of Virginia, or \$2,000,000, whichever is less.

348 U. 1. Revenue from the sale of the following surplus properties shall be deposited into the general
 349 fund, notwithstanding the provisions of subsection B of § 2.2-1125 of the Code of Virginia: the Old
 350 Fairfax Residency Complex (Northern Virginia Training Facility), operated by the Department of
 351 Transportation; the Tidewater Detention Center in Chesapeake, operated by the Department of
 352 Corrections; the Staunton Correctional Center, operated by the Department of Corrections; and
 353 approximately 10 acres of land adjacent to the White Post Detention Center, operated by the Department
 354 of Corrections.

355 2. Out of the amounts transferred to the general fund pursuant to subparagraph U. 1. above, the
 356 Comptroller shall transfer one-half of the net proceeds, but not more than \$2,965,000, to the
 357 Conservation Resources Fund (§ 10.1-202 of the Code of Virginia).

358 V. On or before June 30, 2005, the Comptroller shall transfer \$5,700,000 from the Department of
 359 Motor Vehicle's Uninsured Motorists Fund to the general fund. Of that amount, \$5,700,000 shall be
 360 from the share transferred to the State Corporation Commission.

361 W. On or before June 30, 2005, the State Comptroller shall transfer \$5,500,000 to the general fund
 362 from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice
 363 Services.

364 X. On or before June 30, 2005, the State Comptroller shall transfer \$2,644,000 to the general fund
 365 from the Alcoholic Beverage Control Fund, representing ongoing budget reduction, to be obtained
 366 through efficiencies at the Department of Alcoholic Beverage Control.

367 Y. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund
 368 accounts to the general fund an amount estimated at \$10,396,608 representing the fiscal year 2005
 369 savings from a continued premium holiday on employer contributions for the group life program for
 370 state employees. Appropriated funds from federal sources are exempt from this transfer.

371 Z. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund
 372 accounts to the general fund an amount estimated at \$3,407,961 representing the fiscal year 2005
 373 savings from the utilization of a 30-year amortization period for the valuation of Virginia Retirement
 374 System assets and liabilities in determining employer retirement contribution rates. Appropriated funds
 375 from federal sources are exempt from this transfer.

376 AA. On or before June 30, 2005, the State Comptroller shall transfer from agency nongeneral fund

accounts to the general fund an amount estimated at \$2,503,872 representing the fiscal year 2005 savings from an adjustment in the contribution rates paid by state agencies on behalf of their employees for the retiree healthcare credit program. Appropriated funds from federal sources are exempt from this transfer.

BB. The State Comptroller shall transfer from agency and institution nongeneral fund accounts to the general fund an amount estimated at \$1,352,284 on or before June 30, 2005, 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.

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 Acts of Assembly of 1991 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.

438 D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer
439 and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the
440 annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest
441 calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest
442 payments to the Transportation Trust Fund.

443 § 7. ADVANCES TO WORKING CAPITAL FUNDS

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

447 § 8. CHARGES AGAINST WORKING CAPITAL FUNDS

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

455 § 9. LINES OF CREDIT

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

458 State Lottery Department	\$25,000,000
459 Department of Alcoholic Beverage Control	\$40,000,000
460 Department of Emergency Management	\$150,000
461 Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
462 Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
463 Department of the Treasury for the State Insurance Reserve Trust Fund	\$15,000,000
464 Department of the Treasury, for the Teacher Liability Insurance Program	\$1,000,000
465 Administration of Health Insurance	\$25,000,000
466 Department of Human Resource Management, for the Workers' Compensation Self 467 Insurance Trust Fund	\$10,000,000
468 Department of Environmental Quality	\$5,000,000
469 Department of Motor Vehicles	\$5,000,000

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

474 § 10. PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

475 The Virginia Public School Authority shall transfer to the general fund an amount estimated at
476 \$170,221 on or before June 30, 2005, to reimburse the Commonwealth for staff and other administrative
477 services provided to the Authority by the Department of the Treasury.

478 § 11. PAYMENT BY THE STATE TREASURER

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

481 § 12. PAYMENT FROM IMMIGRATION AND NATURALIZATION SERVICE

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

487 § 13. AUXILIARY ENTERPRISE INVESTMENT YIELDS

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

492 B. No interest shall be credited for that portion of the fund's cash balance that represents any
493 outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the
494 capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924 of the Acts of Assembly of
495 1997.

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

497 Notwithstanding any other provision of law, for purchases made between July 1, 2004, and June 30,
498 2005, any exemption from the retail sales and use tax applicable to production, distribution, and other
499 equipment used to provide Internet-access services by providers of Internet service, as defined in
500 § 58.1-602 of the Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax

Commissioner shall develop procedures for such refunds.

§ 15. QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

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

§ 16. RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, for license years beginning on and after July 1, 2004, and taxable years ending on and after December 31, 2004, the amount of the Tax Credit for Retaliatory 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 A 3 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 of Chapter 6 of Title 46.2 of the Code of Virginia the Department of Motor Vehicles shall transfer to the general fund the additional medical services revenue in accordance with Chapter 794 of the 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.

ENGROSSED

HB5008E