

2012 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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HOUSE BILL NO. 877

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact § 2.2-1514, as it is currently effective and as it may become effective, of the Code of Virginia, relating to assignments by the Comptroller of certain general fund balances.*

Patron—Sickles

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1514, as it is currently effective and as it may become effective, of the Code of Virginia 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. 1. Any general fund balance remaining at the end of each fiscal year shall first be held in reserve by the Comptroller for any required Revenue Stabilization Fund deposit pursuant to § 2.2-1829. If the Auditor of Public Accounts pursuant to § 2.2-1829 reports that a deposit is required to be made to the Revenue Stabilization Fund, then the Comptroller shall set aside from the general fund balance remaining such funds as are necessary to meet the full amount of the required deposit.

2. After the full amount to make the required Revenue Stabilization Fund deposit has been set aside, 30 percent of any remaining general fund balance shall be set aside pursuant to this subdivision if (i) at the end of the fiscal year the ratio of actuarial assets to actuarial liabilities is less than 0.80 for any of the defined benefit retirement plans established under 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, or (ii) for the fiscal year just ended, the contribution by the Commonwealth for certain optional retirement plans under § 51.1-126 is less than the minimum contributions set forth in subdivision F 1 of § 51.1-126, as in effect on January 1, 2011. The 30 percent of the general fund balance shall be set aside as follows: 75 percent to the Virginia Retirement System as additional contributions to the defined benefit retirement plans described in clause (i) to the extent needed in order that the ratio of actuarial assets to actuarial liabilities is at least 0.80 for all of the defined benefit retirement plans, and 25 percent to be paid as additional contributions to the optional retirement plans described in clause (ii) of employees in service in the current fiscal year in order to fund the difference between the minimum contributions set forth in subdivision F 1 of § 51.1-126, as in effect on January 1, 2011, and the actual contributions made by the Commonwealth in the fiscal year just ended.

If the full amount set aside for contributions to the defined benefit retirement plans or the optional retirement plans is not needed to meet the respective condition, any excess shall be used to meet the remaining condition in clause (i) or clause (ii), as applicable. If the full 30 percent of the remaining general fund balance set aside under this subdivision is not needed to meet the conditions in clauses (i) and (ii), any excess shall be set aside or assigned as provided in subsection C.

B. At the end of each fiscal year, C. After the set asides have been made pursuant to subsection B, the Comptroller shall assign within his annual report pursuant to § 2.2-813 as follows: one-third 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 nonrecurring expenditures, and two-thirds shall be assigned for deposit into the Transportation Trust Fund. ~~No~~ However, 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) (ii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (iii) (a) operating expense reappropriations pursuant to the general appropriation act, and (b)

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59 reappropriations of unexpended appropriations to certain public institutions of higher education pursuant
60 to § 2.2-5005, ~~(v)~~ (iv) pro rata rebate payments to certain public institutions of higher education pursuant
61 to § 2.2-5005, ~~(vi)~~ (v) the unappropriated balance anticipated in the general appropriation act for the end
62 of such fiscal year, and ~~(vii)~~ (vi) interest payments on deposits of certain public institutions of higher
63 education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for
64 clauses ~~(iv)~~ (iii) (b), ~~(v)~~ (iv), and ~~(vii)~~ (vi) beginning with the initial fiscal year as determined under
65 § 2.2-5005 and for all fiscal years thereafter.

66 ~~C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended~~
67 ~~appropriations from the general fund or~~ D. Each year, the Governor shall include in his budget bill
68 submitted to the General Assembly recommended amendments to appropriations from the general fund
69 appropriations in the general appropriation act in effect at that time an amount for nonrecurring
70 expenditures and an amount for deposit into the Transportation Trust Fund equal to the amounts
71 assigned by the Comptroller for such purposes for the set asides and assignments pursuant to the
72 provisions of subsection subsections B and C. Such recommended appropriations shall conform to the
73 amounts and prioritization set forth in subsections B and C. Any deposit to the Transportation Trust
74 Fund shall not preclude the appropriation of additional amounts from the general fund for transportation
75 purposes.

76 § 2.2-1514. (Contingent effective date - see Editor's notes) Assignment of general fund for
77 nonrecurring expenditures.

78 A. As used in this section:

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

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

85 B. 1. Any general fund balance remaining at the end of each fiscal year shall first be held in reserve
86 by the Comptroller for any required Revenue Stabilization Fund deposit pursuant to § 2.2-1829. If the
87 Auditor of Public Accounts pursuant to § 2.2-1829 reports that a deposit is required to be made to the
88 Revenue Stabilization Fund, then the Comptroller shall set aside from the general fund balance
89 remaining such funds as are necessary to meet the full amount of the required deposit.

90 2. After the full amount to make the required Revenue Stabilization Fund deposit has been set aside,
91 30 percent of any remaining general fund balance shall be set aside pursuant to this subdivision if (i) at
92 the end of the fiscal year the ratio of actuarial assets to actuarial liabilities is less than 0.80 for any of
93 the defined benefit retirement plans established under Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et
94 seq.), 2.1 (§ 51.1-211 et seq.) or 3 (§ 51.1-300 et seq.) of Title 51.1 or (ii) for the fiscal year just ended,
95 the contribution by the Commonwealth for certain optional retirement plans under § 51.1-126 is less
96 than the minimum contributions set forth in subdivision F 1 of § 51.1-126, as in effect on January 1,
97 2011. The 30 percent of the general fund balance shall be set aside as follows: 75 percent to the
98 Virginia Retirement System as additional contributions to the defined benefit retirement plans described
99 in clause (i) to the extent needed in order that the ratio of actuarial assets to actuarial liabilities is at
100 least 0.80 for all of the defined benefit retirement plans, and 25 percent to be paid as additional
101 contributions to the optional retirement plans described in clause (ii) of employees in service in the
102 current fiscal year in order to fund the difference between the minimum contributions set forth in
103 subdivision F 1 of § 51.1-126, as in effect on January 1, 2011, and the actual contributions made by the
104 Commonwealth in the fiscal year just ended.

105 If the full amount set aside for contributions to the defined benefit retirement plans or the optional
106 retirement plans is not needed to meet the respective condition, any excess shall be used to meet the
107 remaining condition in clause (i) or clause (ii), as applicable. If the full 30 percent of the remaining
108 general fund balance set aside under this subdivision is not needed to meet the conditions in clauses (i)
109 and (ii), any excess shall be set aside or assigned as provided in subsection C.

110 B. At the end of each fiscal year, C. After the set asides have been made pursuant to subsection B,
111 the Comptroller shall assign within his annual report pursuant to § 2.2-813 an amount for nonrecurring
112 expenditures, which shall equal the remaining amount of the general fund balance that is not otherwise
113 restricted, committed, or assigned for other usage within the general fund. No such assignment shall be
114 made unless the full amounts required for other restrictions, commitments, or assignments including but
115 not limited to ~~(i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) (i) the Virginia~~
116 ~~Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided~~
117 ~~under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) (ii) capital~~
118 ~~outlay reappropriations pursuant to the general appropriation act, (iv), (iii) (a) operating expense~~
119 ~~reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended~~
120 ~~appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v), (iv) pro rata~~

121 rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, ~~(vi)~~ (v) the
122 unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and
123 ~~(vii)~~ (vi) interest payments on deposits of certain public institutions of higher education pursuant to
124 § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses ~~(iv)~~ (iii) (b), ~~(v)~~
125 (iv), and ~~(vii)~~ (vi) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal
126 years thereafter.

127 C. The Governor shall include in "The Budget Bill" pursuant to ~~§ 2.2-1509~~ recommended
128 appropriations from the general fund or recommended amendments to general fund appropriations in the
129 general appropriation act in effect at that time an amount for nonrecurring expenditures equal to the
130 amount assigned by the Comptroller for such purpose pursuant to the provisions of subsection B of this
131 section.

132 D. Each year, the Governor shall include in his budget bill submitted to the General Assembly
133 recommended appropriations from the general fund for the set asides and assignments pursuant to the
134 provisions of subsections B and C. Such recommended appropriations shall conform to the amounts and
135 prioritization set forth in subsections B and C.

136 2. That the provisions of this act shall become effective beginning with any amount of general
137 fund balance remaining at the end of the Commonwealth's fiscal year beginning July 1, 2011.