

2021 SPECIAL SESSION II

INTRODUCED

21300144D

HOUSE BILL NO. 7001

Offered August 2, 2021

Prefiled July 30, 2021

A BILL to amend and reenact § 3-5.23 and the fourteenth and fifteenth enactments of Chapter 1289 of the Acts of Assembly of 2020, as amended by Chapter 56 of the Acts of Assembly of 2020, Special Session I, and Chapter 552 of the Acts of Assembly of 2021, Special Session I, which appropriated funds the two years ending, respectively, on June 30, 2021, and June 30, 2022, and to amend Chapter 1289 of the Acts of Assembly of 2020, as amended by Chapter 56 of the Acts of Assembly of 2020, Special Session I, and Chapter 552 of the Acts of Assembly of 2021, Special Session I, by adding an item numbered 479.20 and by adding enactments numbered 14 through 26, relating to emergent issues; pandemic response and appropriation of federal American Rescue Plan Act of 2021 funds.

Patrons—Torian; Senator: Howell

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That Chapter 1289 of the Acts of Assembly of 2020, as amended by Chapter 56 of the Acts of Assembly of 2020, Special Session 1, and Chapter 552 of the Acts of Assembly of 2021, Special Session I, is amended and reenacted by amending § 3-5.23 and the fourteenth and fifteenth enactments, and that Chapter 1289 of the Acts of Assembly of 2020, as amended by Chapter 56 of the Acts of Assembly of 2020, Special Session 1, and Chapter 552 of the Acts of Assembly of 2021, Special Session 1, is amended by adding an item numbered 479.20 and by adding enactments numbered 14 through 26 as follows:

479.20	First Year - FY2021	Second Year - FY2022
Disaster Planning and Operations (72200)	\$0	\$9,054,283,601
Pandemic Response (72211)	\$0	\$9,054,283,601
Fund Sources:		
Federal Trust	\$0	\$9,054,283,601

A. Out of the revenues received from the federal distributions of the American Rescue Plan Act of 2021 (ARPA), the following table represents non-discretionary amounts appropriated prior to the enactment of this act.

ARPA Funding Source	Agency / Purpose	Amount
State and Local Recovery Fund - Local (Non-Entitlement) - (US Treasury)	Department of Accounts Transfer Payments (162) / ARPA local allocations - Non-Entitlement Localities - Part I	\$316,876,775
WIC Cash Value Vouchers Increase (USDA)	Department of Health (601) / Increase WIC Cash-value voucher benefit for fruit and vegetables	\$8,910,669
Unemployment Insurance Extension Implementation Grants (US DOL)	Virginia Employment Commission (182) / Unemployment Insurance Benefits	\$2,058,424,317
Aid to State Veterans Homes - Per Diem Program (US VA)	Department of Veterans Services (912) / Aid to State Veterans Homes per diem Program	\$4,285,124

B.1. The appropriation for this Item includes an amount estimated at \$3,141,030,631 in the second year from the revenues to be received from distributions of the federal State and Local Recovery Fund (SLRF) pursuant to the American Rescue Plan Act of 2021 (ARPA).

2. The following appropriations shall be transferred from this Item for the following purposes:

a. Unemployment Assistance

1) \$73,600,000 to the Virginia Employment Commission (182) for information technology modernization, call center improvements, security, and claims adjudication. Information technology improvements shall include a customer relationship management system and other such communication tools to better serve Unemployment Insurance clients.

2) \$862,000,000 to the Virginia Employment Commission (182) for deposit to the Unemployment Trust Fund.

3) Notwithstanding any other provision of law, the Virginia Employment Commission shall compute tax rates for Calendar Year 2022 by excluding pandemic related claim activity. Any such rate for any employer for Calendar Year 2022, may be less than, but shall not exceed the established rate for that

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employer for Calendar Year 2021. For purposes of this calculation, pandemic related claim activity is defined as all regular Unemployment Insurance claims activity from April 1, 2020, through June 30, 2021. The pool charge for Calendar Year 2022 shall be computed using this same methodology and set at an amount not to exceed the rate in effect for Calendar Year 2021.

b. Broadband

1) \$500,000 to the Department of General Services (194) for legal and real estate transaction support for agencies that own property to support broadband expansion.

2) \$479,000,000 to the Department of Housing and Community Development (165) to support broadband access managed and awarded through the Virginia Telecommunications Initiative grant making process; however, the agency may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act.

3) \$8,000,000 to the Department of Housing and Community Development (165) for the Line Extension Customer Assistance Program to support the extension of existing broadband networks to low to moderate income residents.

4) For grants awarded from the amounts appropriated in paragraphs B.2.b.2), C.1., and Item 114, Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the construction of broadband infrastructure through the Virginia Telecommunications Initiative, the Department of Housing and Community Development shall deliver an annual performance report to the Governor, Secretary of Commerce and Trade, and Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee on or before November 1st of each year, starting in Calendar Year 2022. To the extent possible, the annual performance report shall contain information by grant recipient and year on the following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3) Contract performance period, and on-time progress towards project delivery; (4) Maximum advertised project speeds available; and, (5) Achievement of key project milestones. The annual performance report shall include an evaluation of any projects under risk of incompleteness or underperformance. The Department of Housing and Community Development shall develop a public facing dashboard to be updated quarterly that contains key performance information by grant recipient and year, and includes the key performance indicators outlined above. Information in this public facing tool shall contain data beginning with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant cycle.

c. Rebuild VA

1) \$250,000,000 to the Department of Small Business and Supplier Diversity (350) for the Rebuild VA program. In awarding these funds, priority shall be given to qualifying applications received by the Department on or before June 30, 2021, for which a grant has not been awarded. The Department shall solicit new applications to allocate any balance that remains from this appropriation. In allocating funds to support grants for applications solicited by the agency after June 30, 2021: (1) the Department shall prioritize funding for businesses in the hospitality and tourism industry, that includes, but is not limited to hotel and lodging establishments, restaurants, and entertainment and public amusement venues; and, (2) in awarding these funds to restaurants, funds shall be reserved for restaurants that have not received federal assistance through the Small Business Administration's Restaurant Revitalization Fund or loan forgiveness from the Small Business Administration's Paycheck Protection Program.

d. Other small business

1) \$22,500,000 to the Department of Housing and Community Development (165) to support the Virginia Removal or Rehabilitation of Derelict Structures Fund program. Notwithstanding §36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall be \$5,000,000 for projects in economically distressed areas, and any grant award in excess of \$1,000,000 for projects in economically distressed areas shall be conditioned upon a 100 percent match of local and/or private funds by the local government. The funds shall be managed and awarded through the Industrial Revitalization Fund process; however, the department may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant to these provisions, DHCD shall increase project cap amounts and consider updates to program guidelines that make more projects viable, especially in communities disproportionately impacted by the pandemic. Where the proposed project's end user is a private business, DHCD shall include evaluation criteria that incentivizes significant private investment.

2) \$4,000,000 to the Department of Housing and Community Development to support the Virginia Main Street Program in providing assistance to businesses recovering from the COVID-19 pandemic.

e. Utility Assistance

1) a) \$120,000,000 for utility assistance, to help provide direct assistance to residential utility

customers with accounts over 60 days in arrears including the cost to administer the program.

b) The State Corporation Commission shall establish an application process to distribute funds directly to utilities for the purpose of efficiently providing direct assistance to customers. Funds shall be awarded proportionally based on total arrearages of residential utility customer accounts over 60 days in arrears as of August 31, 2021. The Director, Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. The Director, Department of Planning and Budget in consultation with the State Corporation Commission and the Department of Housing and Community Development shall transfer amounts from this allocation to address the arrearages held by residential customers of utilities outside the jurisdiction of the Commission to the Department of Housing and Community Development for distribution to these utilities. Notwithstanding § 2.2-4002, Code of Virginia, the provisions contained in this paragraph establishing the utility direct assistance program shall not be subject to the Administrative Process Act.

c) Upon receipt of any funds provided in this paragraph, utilities shall maintain separate ARPA COVID-19 Utility Assistance Funds and record direct assistance payments to residential customers on their books in accordance with applicable accounting standards. Utilities may not direct any funds provided in this paragraph to new deposits, down payments, fees, late fees, interest charges, or penalties. Utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the COVID-19 pandemic or that they have experienced a hardship to pay during the COVID-19 pandemic prior to receiving direct assistance from the utility's ARPA COVID-19 Utility Assistance Fund. While utilities may require attestation of such hardship, it is implied that arrearages accrued over 60 days for customer nonpayment of bills from March 12, 2020, to the effective date of this act, for which federal relief funds shall be used for direct subsidy payments on behalf of customers were incurred as a financial hardship created by the COVID-19 pandemic. Utilities shall reflect the direct assistance payment on an eligible customer's monthly bill, after the funds are applied to the customer's account. Should the application of any assistance render a customer due a balance necessitating a cash refund payable to the customer, such assistance shall be proportionally reduced as to achieve a zero balance.

d) For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers, subject to the regulation of Commission or constituting a municipal utility. "Municipal utility" means a utility providing electric, gas, water, or wastewater service that is owned or operated by a city, county, town, authority, or other political subdivision of the Commonwealth. Notwithstanding the provisions of this paragraph, a utility does not include any Phase II utility subject to the regulation of the State Corporation Commission.

e) The Department of Housing and Community Development shall survey municipal utilities to determine the amount of unspent utility assistance funds previously provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The information collected shall include the number and value of accounts that are at least 60 days in arrears disaggregated by residential, business, and industrial users. Utilities not subject to the regulation of the State Corporation Commission shall submit the required information to the Department in a timely manner. The Department shall submit a report on its findings to the Governor and the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee by November 1, 2021.

f) The State Corporation Commission shall survey jurisdictional utilities to determine the amount of unspent utility assistance funds previously provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), as well as the level of outstanding customer arrearages as of August 31, 2021, from March 12, 2020. The information collected shall include the number and value of accounts that are at least 60 days in arrears disaggregated by residential, business, and industrial users. Utilities subject to the regulation of the State Corporation Commission shall submit the required information to the Commission in a timely manner. The Commission shall submit a report on its findings to the Governor and the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee by November 1, 2021.

g) If it is determined that the funds provided in this paragraph are insufficient to satisfy the aggregate outstanding jurisdictional and municipal utility customer arrearages following the passage of this act, additional funding may be considered during the 2022 General Assembly Session.

f. Tourism

1) \$50,000,000 to the Virginia Tourism Authority (320) to support local domestic marketing organizations, as well as the Authority's marketing and incentive programs.

2) \$1,000,000 to the Virginia Tourism Authority (320) to collaborate and partner with the City of Virginia Beach to develop historical and cultural content with the Virginia African American Cultural

183 Center (VAACC).

184 3) \$6,000,000 to the Fort Monroe Authority (360) for construction of a permanent monument to
185 commemorate the 400-year anniversary of the First Landing of Africans at Point Comfort in Fort
186 Monroe.

187 4) \$250,000 to the Department of Historic Resources (423) to be provided to the City of
188 Harrisonburg to partner with the Dallard-Newman House to complete development of a Museum of
189 African- American History and Culture in Harrisonburg.

190 g. Education

191 1) \$500,000 to Direct Aid to Public Education (197) to support An Achievable Dream program in
192 Henrico County.

193 2) \$500,000 to Direct Aid to Public Education (197) to support Fredericksburg City Schools to
194 expand its career and technical education programs.

195 3) \$200,000 to Direct Aid to Public Education (197) to provide after school and summer education
196 programs to Sussex and Greensville Counties' students through the Sussex County Youth and Adult
197 Recreation Association (\$100,000) and the Washington Park Association (\$100,000).

198 4) \$800,000 to Direct Aid to Public Education (197) to provide a one-time grant to Portsmouth
199 Public Schools to support students with workforce readiness education and industry based skills,
200 including internships and externships, apprenticeships, and assistance in enrollment in post-secondary
201 education.

202 h. Education - Ventilation

203 1) \$250,000,000 to Direct Aid to Public Education (197) for qualifying ventilation improvement
204 projects in local public schools. Funds shall be allocated to local school divisions based on fiscal year
205 2022 projected March 31 average daily membership with a minimum allocation of \$200,000 per
206 division. Funds shall be paid to school divisions on a reimbursement basis. Localities shall provide a
207 match for these funds from any available fund sources equal to 100 percent of the grant amount. A
208 school division may elect to accept a grant amount less than its formula allocation. Before receiving
209 any funds, local school divisions must provide a description for each of the projects to be completed
210 with these funds, including estimated costs and date of completion, and certify to the Department of
211 Education no later than November 15, 2021, that these funds will be used to improve ventilation systems
212 in public facilities in accordance with guidelines issued by the U.S. Department of the Treasury for the
213 American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds. Following certification
214 from a school division that it will not participate in the grant program or elects to accept an amount
215 less than its formula allocation, the Department of Education is authorized to reallocate any program
216 balances based on actual demand. No later than December 15, 2021, the Department of Education shall
217 compile the school division certifications and submit a report to the Chairs of the Senate Finance and
218 Appropriations and House Appropriations Committees, the Secretary of Education, the Secretary of
219 Finance, and the Director, Department of Planning and Budget.

220 2) \$2,000,000 to the Jamestown-Yorktown Foundation (425) to upgrade its ventilation systems in its
221 facilities.

222 3) \$5,000,000 to the Virginia Museum of Fine Arts (238) to replace outdated air handling units on
223 the main museum campus.

224 i. Higher Education

225 1) \$100,000,000 to the State Council of Higher Education for Virginia (245) for need-based
226 financial aid for in-state undergraduate students from low- and moderate-income households at public
227 institutions of higher education. No less than 30 days prior to distributing the funds to the public
228 institutions, the Council shall report on the allocation methodology used to the Chairs of the House
229 Appropriations and Senate Finance and Appropriations Committees, the Secretary of Finance, the
230 Secretary of Education, and the Director, Department of Planning and Budget.

231 2) \$11,000,000 to the State Council of Higher Education for Virginia (245) for need-based financial
232 aid for in-state undergraduate students from low- and moderate-income households at institutions of
233 higher education eligible for the Virginia Tuition Assistance Grant Program in accordance with
234 § 23.1-628 through § 23.1-635, Code of Virginia. No institution shall receive more than ten percent of
235 the total funding provided herein. No less than 30 days prior to distributing the funds to the private
236 institutions, the Council shall report on the allocation methodology used to the Chairs of the House
237 Appropriations and Senate Finance and Appropriations Committees, the Secretary of Finance, the
238 Secretary of Education, and the Director, Department of Planning and Budget.

239 3) \$40,000,000 to the Virginia Community College System (260) for capital projects at Northern
240 Virginia Community College (NVCC). Of this allocation, \$15,000,000 is designated for construction of a
241 new building that would allow NVCC to expand its trades programs in carpentry, electrical, computer
242 integration in trades, advanced automotive, and backup power systems. \$25,000,000 is designated for
243 construction of a building that would allow NVCC to expand its nursing, phlebotomy, occupational
244 therapy assistant, and physical therapist assistant programs.

- 4) \$10,000,000 to the Online Virginia Network Authority (244).
- j. Food Access
- 1) \$14,600,000 to the Department of Agriculture and Consumer Services (301) for food assistance, including the expansion of food access and healthcare partnerships, development of a shelf-stable food purchase program, and the purchase of food from local farmers through the Virginia Farm to Virginia Families Food Box Program.
- k. CSOs and Wastewater
- 1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well and septic systems for homeowners at or below 200 percent of the federal poverty guidelines.
- 2) \$75,000,000 to the Department of Environmental Quality (440) for septic, straight pipe, and sewer collection system repair, replacement, and upgrades.
- 3) \$125,000,000 to the Department of Environmental Quality (440) for grants to the cities of Alexandria, Lynchburg, and Richmond to pay a portion of the costs of combined sewer overflow control projects. The City of Alexandria is to receive \$50,000,000; the City of Lynchburg is to receive \$25,000,000; and the City of Richmond is to receive \$50,000,000. In order to receive these funds, the locality must certify that it is providing a 100 percent match to the funds it will receive pursuant to this paragraph.
- 4) \$100,000,000 to the Department of Environmental Quality (440) to reimburse eligible entities as provided for in the Enhanced Nutrient Removal Certainty (ENRC) Program established in §62.1-44.19:14, Code of Virginia, for capital costs incurred for the design and installation of nutrient removal technology, and to reimburse the Town of Pound and the City of Petersburg for capital costs incurred for infrastructure improvements that are eligible for reimbursement under the Virginia Water Facilities Revolving Fund established in §62.1-225, Code of Virginia. Such reimbursements shall be in accordance with eligibility determinations made by the Department of Environmental Quality.
- l. Drinking Water
- 1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at small and disadvantaged community waterworks. These funds shall be limited in their use to qualifying municipal and private drinking water projects and shall not be used for improvements to the department's internal systems, staffing, or processes.
- m. Parks
- 1) \$25,000,000 to the Department of Conservation and Recreation (199) for outdoor recreation area maintenance and construction needs.
- 2) \$1,000,000 to the Department of Conservation and Recreation (199) to be provided to Fairfax County for trail system connections at Lake Royal Park.
- n. Mental Health
- 1) \$45,000,000 to the Department of Behavioral Health and Developmental Services (720) for bonuses provided to direct care staff at state behavioral health facilities and intellectual disability training centers.
- 2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720) for the continued expansion of community-based crisis services, which may include mobile crisis services and crisis receiving facilities.
- 3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for the purchase of personal protective equipment at state facilities.
- 4) \$50,000,000 to the Department of Behavioral Health and Developmental Services (720) for the renovation or replacement of ventilation and water or sewer systems at state facilities.
- 5) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) for permanent supportive housing in Northern Virginia to assist with the bed crisis at state facilities.
- 6) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to expand a pilot program to serve approximately 60 additional individuals with a primary diagnosis of dementia who are ready for discharge from state geriatric behavioral health hospitals to the community and who are in need of nursing facility level care. Funding for the pilot program shall be dependent upon an agreement between the department and the Community Services Board in the jurisdiction the pilot program is located. The Department shall report to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department of Planning and Budget on the design and implementation of the pilot program by December 1, 2021, with a report on the program's outcomes, including data on hospital readmissions and program sustainability by June 30, 2022.
- 7) \$1,000,000 to the Department of Criminal Justice Services (140) to provide resources for crisis intervention team training to law-enforcement officers and dispatchers, and one position to provide technical assistance in support of the mental health awareness response and community understanding services (Marcus) alert system.

306 o. Substance Use Disorder

307 1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide prevention efforts.
308 2) \$10,000,000 to the Department of Behavioral Health and Developmental Services (720) to make
309 grants to members of the Virginia Association of Recovery Residences for recovery support services.

310 3) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) to expand
311 community-based substance use disorder treatment services.

312 p. Public Health Initiatives

313 1) \$2,500,000 to the Virginia State Bar (117) for legal aid funding for legal representation in
314 eviction cases.

315 2) \$2,285,000 to the Department of General Services (194) for Consolidated Labs to include courier
316 / dropbox enhancements, customer support upgrades, and Laboratory Information Management System
317 (LIMS) infrastructure, development, and improvement.

318 3) \$3,750,000 to the Department of Housing and Community Development (165) for a dedicated lead
319 rehabilitation program to address childhood lead poisoning in residential properties.

320 4) \$8,000,000 to the Department of Health (601) to address broadband connectivity and network
321 infrastructure issues at local health departments. The department shall communicate a detailed plan
322 and implementation schedule to the Governor, the Chairs of the House Appropriations and Senate
323 Finance and Appropriations Committees, and the Director of the Department of Planning and Budget by
324 September 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of
325 the House Appropriations and Senate Finance and Appropriations Committees, and the Director of the
326 Department of Planning and Budget on progress made, with the first progress report to be delivered not
327 later than December 31, 2021.

328 5) \$10,000,000 to the Department of Health (601) for the procurement and deployment of an
329 electronic health records system. The department shall communicate a detailed plan and implementation
330 schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and
331 Appropriations Committees, and the Director of the Department of Planning and Budget by September
332 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House
333 Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department
334 of Planning and Budget on progress made, with the first progress report to be delivered not later than
335 December 31, 2021.

336 6) \$30,000,000 to the Department of Health (601) to target core building upgrades at local health
337 departments to mitigate the impact of infrastructure that hinders the agency's ability to reach and serve
338 at-risk communities. The department shall communicate a detailed plan and implementation schedule to
339 the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations
340 Committees, and the Director of the Department of Planning and Budget by September 30, 2021.
341 Additionally, the department shall report quarterly to the Governor, the Chairs of the House
342 Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department
343 of Planning and Budget on progress made, with the first progress report to be delivered not later than
344 December 31, 2021.

345 7) \$10,000,000 to the Department of Health (601) for the modernization of administrative systems
346 and software in order to create response capacity during future emergencies. The department shall
347 communicate a detailed plan and implementation schedule to the Governor, the Chairs of the House
348 Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department
349 of Planning and Budget by September 30, 2021. Additionally, the department shall report quarterly to
350 the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations
351 Committees, and the Director of the Department of Planning and Budget on progress made, with the
352 first progress report to be delivered not later than December 31, 2021.

353 8) \$1,000,000 to the Department of Health (601) for the creation of a Public Oral Health Taskforce
354 aimed at strengthening public oral health and improving patient outcomes and experiences.

355 9) \$10,000,000 to the Department of Health (601) for a records management system that will digitize
356 and automate records processes. The department shall communicate a detailed plan and implementation
357 schedule to the Governor, the Chairs of the House Appropriations and Senate Finance and
358 Appropriations Committees, and the Director of the Department of Planning and Budget by September
359 30, 2021. Additionally, the department shall report quarterly to the Governor, the Chairs of the House
360 Appropriations and Senate Finance and Appropriations Committees, and the Director of the Department
361 of Planning and Budget on progress made, with the first progress report to be delivered not later than
362 December 31, 2021.

363 10) \$20,000,000 to the Department of Health (601) to provide targeted community outreach in
364 difficult to reach communities harmed by COVID-19.

365 11) \$10,000,000 to the Department of Medical Assistance Services (602) to address operational
366 backlogs by hiring contractors to assist with eligibility re-evaluations and member appeals. Funding
367 also will be used to perform COVID-19 related outreach and engagement activities.

12) \$31,148,676 to the Department of Medical Assistance Services (602) to make payments to Medicaid-eligible nursing homes and specialized care providers equivalent to a \$5 per diem rate for service dates between July 1, 2021, and June 30, 2022. The department shall have the authority to work with necessary vendors and contractors to determine payment eligibility, amounts, and the process by which payments will be made. Final payments will be made by September 30, 2022. The department shall have the authority to implement such payments prior to the completion of any regulatory process to effect such changes. The Governor is authorized to adjust this SLRF appropriation to ensure that sufficient funding is available to make necessary payments.

13) \$528,300 to the Department for Aging and Rehabilitative Services (262) to fund HVAC/air quality systems and physical plant improvements in assisted living facilities that serve a disproportionate share of auxiliary grant residents.

14) \$1,000,000 to the Department of Social Services (765) for the Virginia Trauma-Informed Community Network (TICN) to provide a community awareness campaign, education, professional development, mini grants, and other initiatives to support existing networks.

15) \$600,000 to the Department for the Blind and Vision Impaired (702) to construct an outdoor multi-purpose pavilion to allow activities to be conducted outdoors in a safer environment relative to COVID-19 transmission.

16) \$11,500,000 to the Department for the Blind and Vision Impaired (702) to renovate the Virginia Industries for the Blind facility in Charlottesville to ensure that an essential link in the pandemic supply chain is available.

17) \$450,000 to the Department for the Blind and Vision Impaired (702) to upgrade the ventilation systems in six agency offices.

18) \$1,393,085 to the Department of Emergency Management (127) for Virginia Emergency Support Team (VEST) COVID-19 recovery activities and four support staff.

19) \$10,270,354 to the Department of Veterans Services (912) to address revenue shortfalls resulting from reduced census at Sitter & Barfoot Veterans Care Center and Virginia Veterans Care Center caused by COVID-19, and to provide support for temporary additional staff at state veterans cemeteries.

20) a) \$50,000,000 to the Department of Military Affairs (123) for projects at Readiness Centers (armories) to replace HVAC systems and to convert or expand existing multi-purpose spaces or to add space that may be used as emergency medical suites and to provide the necessary support equipment. Priority for use of these funds shall be given to completing HVAC projects.

b) No less than 60 days prior to initiating a project, the department shall submit preliminary plans and specifications along with cost estimates for review and approval by the Six-Year Capital Outlay Plan Advisory Committee.

21) \$529,000 to the Department of Military Affairs (123) for Infrared Body Temperature Scanning equipment and personal protective equipment.

q. Language Translation Capacity

1) \$500,000 to the Office of the Governor (121), Office of Equity, Diversity, and Inclusion, for language access translation planning consulting services. Consulting services will include the development of a plan to determine which state agencies have the highest need for translation services, determination of the types of services needed, and the determination of the costs to implement such services in support of determining amounts to consider for inclusion in the budget for the 2022-2024 biennium. The Chief Diversity Officer shall provide a report on the results of the translation planning efforts to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

r. Addressing Community Violence

1) \$2,500,000 to the Office of the Attorney General (141) for gun violence reduction projects in partnership with select localities.

2) \$12,199,930 to the Department of Criminal Justice Services (140) to support services to victims of crime including, but not limited, services for victims of sexual assault and domestic violence, victims of elder abuse and child abuse, and victims of crime.

3) \$1,000,000 to the Department of Criminal Justice Services (140) to support the Virginia Sexual and Domestic Violence Victim Fund.

4) \$800,000 to the Department of Criminal Justice Services (140) to provide a one-time grant to the City of Hampton to support an employment program for court-involved youths and adults facing barriers to employment, expand services for those participating in or at risk of participating in gun violence, and provide counseling or mental health services for those exposed to violence.

5) \$505,375 to the Department of Forensic Science (778) for the purchase of equipment to analyze firearms evidence.

s. Public Safety

1) \$375,000 to the Division of Capitol Police (961) to address staffing and security concerns at the

429 seat of government. The funding shall be allocated subject to the approval of a spending plan by the
430 Committee on Joint Rules that is consistent with federal requirements of the American Rescue Plan Act.

431 2) \$11,059,961 to the Compensation Board (157) for a one-time hazard pay bonus of \$1,000 for
432 state-supported sworn officers of Sheriffs Departments and Regional Jails.

433 3) \$31,494,724 to the Department of Corrections (799) for COVID-19 testing in correctional
434 facilities, including point prevalence testing at correctional facilities, antigen testing for non-vaccinated
435 staff and visitors, equipment and supplies for COVID tests, and for wastewater surveillance testing. Also
436 included in this amount is funding to support COVID-19 vaccination teams, to purchase equipment for
437 the emergency disinfection team, to purchase personal protective equipment (PPE) for correctional
438 facilities, and to support the expansion of telehealthcare.

439 4) \$10,000,000 to the Department of Corrections (799) for one-time hazard pay for corrections and
440 law enforcement staff.

441 5) \$1,618,086 to the Department of Corrections (799) to support rate increases for medical
442 contractors and five staff positions to support COVID-19 project management activities.

443 6) \$45,000 to the Department of Corrections (799) to reimburse the contractor that operates the
444 Lawrenceville Correctional Center for the cost of personal protective equipment (PPE).

445 7) \$410,000 to the Department of Juvenile Justice (777) to provide quarantine spaces, tents to enable
446 outdoor visitation, testing supplies, personal protective equipment, and ventilation modifications for
447 facilities. Also included in this amount is funding for mobile smartphones, for medical tracking software,
448 and for vaccination clinics for residents and staff.

449 8) \$638,140 to the Department of Juvenile Justice (777) to provide hazard pay for probation and
450 security staff and a sign-on bonus for cafeteria and janitorial workers.

451 9) \$1,380,000 to the Department of State Police (156) to purchase live scan fingerprinting machines
452 for the agency's area offices.

453 10) a) \$20,000,000 to the Department of State Police (156) to provide one-time bonuses to sworn,
454 law enforcement personnel. The department is authorized to pay bonuses to its sworn, law enforcement
455 officers of: \$5,000 to all sworn, law enforcement officers, compression bonuses within a range
456 equivalent to two and eight percent of salary as appropriate to qualifying officers, sign-on/recruitment
457 bonuses to newly hired troopers of \$5,000, and retention bonuses as needed. In addition, these funds
458 may be used to reimburse up to \$2,000 of relocation expenses for each newly hired trooper and any law
459 enforcement personnel who is being relocated by the department.

460 b) The department shall report its plan for allocating these funds to the permitted uses stated above
461 in the compensation plan required in paragraph 5.k.5)b) of this item. In addition, no later than
462 September 1, 2022, the department shall report the actual bonuses and expenses paid in fiscal year
463 2022.

464 t. Elections

465 1) \$1,500,000 to the Department of Elections (132) for voter education efforts to inform voters about
466 new elections laws and to combat misinformation about Virginia elections.

467 2) \$3,000,000 to the Department of Elections (132) to support local efforts to expand early voting to
468 include the adoption of Sunday voting.

469 3.a. Prior to initiating any program, service, or spending from the appropriations listed in paragraph
470 2. above, the responsible agency must ensure that its intended action qualifies for the use of the funds
471 under the ARPA criteria to support health expenditures, to address negative economic impacts caused by
472 the public health emergency, to provide premium pay for essential workers, or to invest in water, sewer,
473 and broadband infrastructure as described in the Interim Final Rule or the guidance issued by the U.S.
474 Department of Treasury. Agencies shall not rely on the provisions for replacing lost public sector
475 revenue as a qualifying criteria without receiving prior written approval from the Governor.

476 b. Agencies must ensure compliance with all use, documentation, and reporting requirements
477 established in state and federal guidelines and laws.

478 4. The Governor is authorized to appropriate additional amounts not listed above if they must be
479 executed before the 2022 regular session of the General Assembly in order to respond to a public health
480 emergency or to prevent the emergence of a new health emergency. The Governor shall provide written
481 notice to the chairpersons of the House Appropriations Committee and the Senate Finance and
482 Appropriations Committee no less than five business days prior to appropriating such amounts.

483 5. In addition to the amounts appropriated in the second year in the preceding subparagraphs of
484 B.2. above, \$353,871,958 is authorized to be included in the Governor's introduced budget for the
485 2022-2024 biennium from SLRF amounts received from the federal government. The following agencies
486 shall provide a plan for the proposed use of the SLRF amounts listed to the Governor and the Chairs of
487 the House Appropriation and Senate Finance and Appropriations Committees via budget requests
488 submitted to the Department of Planning and Budget on or before October 1, 2021.

489 a. Unemployment Assistance

490 1) \$17,600,000 to the Virginia Employment Commission (182) for information technology

modernization, call center improvements, security, and claims adjudication. Information technology improvements shall include a customer relationship management system and other such communication tools to better serve Unemployment Insurance clients.

b. Broadband

1) \$1,500,000 to the Department of General Services (194) for legal and real estate transaction support for agencies that own property to support broadband expansion.

2) \$8,000,000 to the Department of Housing and Community Development (165) for a Line Extension Customer Assistance Program to support the extension of existing broadband networks to low-to-moderate income residents.

c. Other small business

1) \$22,500,000 to the Department of Housing and Community Development (165) to support the Virginia Removal or Rehabilitation of Derelict Structures Fund program. Notwithstanding §36-155, Code of Virginia, for the purposes of this funding, the maximum grant amount shall be \$5,000,000 for projects in economically distressed areas, and any grant award in excess of \$1,000,000 for projects in economically distressed areas shall be conditioned upon a 100 percent match of local and/or private funds by the local government. The funds shall be managed and awarded through the Industrial Revitalization Fund process; however, the department may adjust the criteria to reflect the provisions established by the U.S. Department of the Treasury's rules and regulations regarding the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. Pursuant to these provisions, DHCD shall increase project cap amounts and consider updates to program guidelines that make more projects viable, especially in communities disproportionately impacted by the pandemic. Where the proposed project's end user is a private business, DHCD shall include evaluation criteria that incentivizes significant private investment.

2) \$4,000,000 to the Department of Housing and Community Development (165) to support the Virginia Main Street program in providing assistance to businesses recovering from the COVID-19 pandemic.

d. Food Access

1) \$11,000,000 to the Department of Agriculture and Consumer Services (301) for food assistance, including continuation of the Virginia Agriculture Food Assistance Program established in §3.2-4783, Code of Virginia, and to expand the capacity of Virginia's network of food providers to accept, store, and distribute food products.

e. CSOs and Wastewater

1) \$5,750,000 to the Department of Health (601) to provide improvement funds for well and septic systems for homeowners at or below 200 percent of the federal poverty guidelines.

f. Drinking Water

1) \$50,000,000 to the Department of Health (601) to support equal access to drinking water at small and disadvantaged community waterworks. These funds shall be limited in their use to qualifying municipal and private drinking water projects and shall not be used for improvements to the department's internal systems, staffing, or processes.

g. Mental Health

1) \$76,900,000 to the Department of Behavioral Health and Developmental Services (720) for salary adjustments for direct care staff at state behavioral health facilities and intellectual disability training centers.

2) \$20,000,000 to the Department of Behavioral Health and Developmental Services (720) for the continued expansion of community-based crisis services.

3) \$1,200,000 to the Department of Behavioral Health and Developmental Services (720) for the purchase of personal protective equipment at state facilities.

4) \$1,650,000 to the Department of Behavioral Health and Developmental Services (720) to continue an expanded pilot program in FY 2023 to serve approximately 60 additional individuals with a primary diagnosis of dementia who are ready for discharge from state geriatric behavioral health hospitals to the community and who are in need of nursing facility level care. Funding for the pilot program shall be dependent upon an agreement between the department and the Community Services Board in the jurisdiction the pilot program is located.

5) \$3,000,000 to the Department of Criminal Justice Services (140) to provide resources for crisis intervention team training to law-enforcement officers and dispatchers, and one position to provide technical assistance in support of the mental health awareness response and community understanding services (Marcus) alert system.

h. Substance Use Disorder

1) \$5,000,000 to the Department of Health (601) for substance misuse and suicide prevention efforts.

2) \$5,000,000 to the Department of Behavioral Health and Developmental Services (720) to expand community-based substance use disorder treatment services.

552 *i. Public Health Initiatives*

553 1) \$4,756,000 to the Department of General Services (194) for Consolidated Labs to include
554 customer support upgrades and Laboratory Information Management System (LIMS) infrastructure,
555 development, and improvement.

556 2) \$3,750,000 to the Department of Housing and Community Development (165) for a dedicated
557 lead rehabilitation program to address childhood lead poisoning in residential properties.

558 3) \$20,000,000 to the Department of Health (601) for the procurement and deployment of an
559 electronic health records system.

560 4) \$40,000,000 to the Department of Health (601) for the modernization of administrative systems
561 and software in order to create response capacity during future emergencies.

562 5) \$20,000,000 to the Department of Health (601) for a records management system that will digitize
563 and automate records processes.

564 6) \$5,000,000 to the Department of Medical Assistance Services (602) to address operational
565 backlogs by hiring contractors to assist with eligibility re-evaluations and member appeals. Funding
566 also will be used to perform COVID-19 related outreach and engagement activities.

567 7) \$3,479,700 to the Department for Aging and Rehabilitative Services (262) to fund HVAC/air
568 quality systems and physical plant improvements in assisted living facilities that serve a disproportionate
569 share of auxiliary grant residents.

570 *j. Addressing Community Violence*

571 1) \$75,000 to the Department of Forensic Science (778) for the purchase of equipment used to
572 analyze firearms evidence.

573 *k. Public Safety*

574 1) \$1,596,258 to the Department of Corrections (799) for five staff positions to support COVID-19
575 project management activities.

576 2) \$135,000 to the Department of Corrections (799) to reimburse the contractor that operates the
577 Lawrenceville Correctional Center for the cost of personal protective equipment (PPE).

578 3) \$600,000 to the Department of Juvenile Justice (777) to fund mobile smartphones for agency staff.

579 4) \$1,380,000 to the Department of State Police (156) to support live scan fingerprinting machines
580 for the agency's area offices.

581 5) a) \$20,000,000 to the Department of State Police (156) to implement a new compensation plan for
582 sworn, law enforcement positions that addresses recruitment of new officers, retention of the existing
583 law enforcement workforce, and pay compression among the various levels of the sworn, law
584 enforcement positions in the department based upon the findings presented in the study required by
585 paragraph b) below.

586 b) The department shall convene a workgroup that shall include staff from the Department of Human
587 Resource Management and the Joint Legislative Audit and Review Commission for the purpose of
588 conducting a comprehensive study to document the current issues that create barriers to the
589 department's ability to recruit and retain qualified and diverse law enforcement personnel. The study
590 should address issues of pay compression among the various levels of the existing law enforcement
591 workforce, competition with other employers for individuals with the same preferred qualifications and
592 skill sets, and any other circumstances such as the cost of relocation that create barriers to maintaining
593 a diverse, high quality law enforcement workforce. In addition, the report shall include a detailed plan
594 for implementing a compensation program that responds to the issues and problems outlined in the
595 report and the related annual costs to implement the plan beginning in fiscal year 2023, and the
596 ongoing cost for the next five fiscal years. This plan shall be submitted to the Governor, the Chair of
597 the House Appropriations Committee, the Chair of the Senate Finance and Appropriations Committee,
598 the Director of the Department of Human Resource Management, and the Director of the Department of
599 Planning and Budget, no later than October 15, 2021, so that the required funding may be included in
600 the 2022-2024 budget to be adopted by the General Assembly at its 2022 Session.

601 C. 1. Out of the appropriation for this Item, amounts estimated at \$221,739,237 the second year
602 from the estimated revenues to be received from the federal distributions of Capital Project Fund
603 amounts from the American Rescue Plan Act of 2021 (ARPA) shall be transferred to Department of
604 Housing and Community Development for the implementation of broadband improvement projects in the
605 Commonwealth. The funds shall be managed and awarded through the Virginia Telecommunications
606 Initiative grant making process; however, the agency may adjust the criteria to reflect the provisions
607 established by the U.S. Department of the Treasury's rules and regulations established under the
608 American Rescue Plan Act.

609 2. For grants awarded from the amounts appropriated in paragraphs C.1., B.2.b.2., and Item 114,
610 Paragraph L. of Chapter 552, 2021 Acts of Assembly, Special Session I for the construction of
611 broadband infrastructure through the Virginia Telecommunications Initiative, the Department of Housing
612 and Community Development shall deliver an annual performance report to the Governor, Secretary of
613 Commerce and Trade, and Chairs of the House Appropriations Committee and Senate Finance and

614 Appropriations Committee on or before November 1st of each year, starting in Calendar Year 2022. To
 615 the extent possible, the annual performance report shall contain information by grant recipient and year
 616 on the following metrics: (1) Number of passings; (2) Grant dollars expended by fund source (State and
 617 Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3) Contract
 618 performance period, and on-time progress towards project delivery; (4) Maximum advertised project
 619 speeds available; and, (5) Achievement of key project milestones. The annual performance report shall
 620 include an evaluation of any projects under risk of incompleteness or underperformance. The Department
 621 of Housing and Community Development shall develop a public facing dashboard to be updated
 622 quarterly that contains key performance information by grant recipient and year, and includes the key
 623 performance indicators outlined above. Information in this public facing tool shall contain data
 624 beginning with grants awarded in the Fiscal Year 2022 Virginia Telecommunications Initiative grant
 625 cycle.

626 D.1. The appropriation in this item includes an amount estimated at \$5,691,513,733 in the second
 627 year from the estimated revenues to be received pursuant to the American Rescue Plan Act of 2021
 628 (ARPA) from grants other than the State and Local Recovery Fund (SLRF) and Capital Project Fund.
 629 The following appropriations shall be transferred from this item to the following:

630	ARPA Fund Source / Grant	State Agency	FY 2022 Appropriation
631	State and Local Recovery Fund -	Department of Accounts Transfer	\$316,876,775
632	Local (Non-Entitlement) - (US	Payments (162)	
633	Treasury)		
634	Emergency Rental Assistance (US	Department of Housing and	\$465,508,855
635	Treasury)	Community Development (165)	
636	Elementary & Secondary School	Department of Education, Central	\$211,098,889
637	Emergency Relief (ESSER) - (US	Office Operations (201)	
638	DOE)		
639	Elementary & Secondary School	Direct Aid to Public Education (197)	\$1,899,890,002
640	Emergency Relief (ESSER) - (US		
641	DOE)		
642	Elementary & Secondary School	Department of Education, Central	\$13,818,290
643	Emergency Relief Homeless	Office Operations (201)	
644	Children and Youth (ESSER) - (US		
645	DOE)		
646	Emergency Assistance to	Department of Education, Central	\$46,344,360
647	Non-Public Schools (US DOE)	Office Operations (201)	
648	Higher Education Emergency	Maintain Affordable Access (984)	\$667,275,718
649	Relief Fund (HEERF) - Public &		
650	Non-Profit Institutions (US DOE)		
651	IDEA - Grants to States (US DOE)	Direct Aid to Public Education (197)	\$67,450,511
652	IDEA - Preschool (US DOE)	Direct Aid to Public Education (197)	\$4,931,537
653	IDEA - Infants and Toddlers (US	Department of Behavioral Health and	\$5,216,946
654	DOE)	Developmental Services (720)	
655	Child Care & Development Block	Department of Education, Central	\$305,492,999
656	Grant (ACF)	Office Operations (201)	
657	Child Care Stabilization Grants	Department of Education, Central	\$488,605,381
658	(ACF)	Office Operations (201)	
659	Child Care Entitlement to States	Department of Education, Central	\$13,091,800
660	(ACF)	Office Operations (201)	
661	Low-income Home Energy	Department of Social Services (765)	\$90,218,680
662	Assistance Program (ACF)		
663	Low-Income Household Water	Department of Social Services (765)	\$9,870,267
664	Assistance Program		
665	Pandemic Emergency Assistance	Department of Social Services (765)	\$15,744,856
666	(ACF)		
667	Community-based Child Abuse	Department of Social Services (765)	\$6,231,546
668	Prevention (ACF)		
669	Family Violence Prevention and	Department of Social Services (765)	\$3,004,484
670	Services (ACF)		
671	Child Abuse State Grants (ACF)	Department of Social Services (765)	\$2,502,243
672	Supportive Services (ACL)	Department for Aging and	\$11,109,729
673		Rehabilitative Services (262)	
674	Home Delivered Meals (ACL)	Department for Aging and	\$7,245,476
675		Rehabilitative Services (262)	
676	Congregate Meals (ACL)	Department for Aging and	\$10,868,214
677		Rehabilitative Services (262)	
678	Preventive Services (ACL)	Department for Aging and	\$1,062,670
679		Rehabilitative Services (262)	

680	Family Caregivers (ACL)	Department for Aging and	\$3,463,008
681		Rehabilitative Services (262)	
682	Title XX Adult Services (ACL)	Department for Aging and	\$2,021,926
683		Rehabilitative Services (262)	
684	Title VII Long-term Care	Department for Aging and	\$241,516
685	Ombudsman (ACL)	Rehabilitative Services (262)	
686	Epidemiology and Lab Capacity	Department of Health (601)	\$244,000,000
687	for School Testing (CDC)		
688	COVID-19 Vaccine Preparedness	Department of Health (601)	\$11,000,000
689	Adjustment (CDC)		
690	Expand Genomic Sequencing	Department of Health (601)	\$1,680,000
691	(CDC)		
692	Crisis Response Cooperative	Department of General Services (194)	\$654,800
693	Agreement (CDC)		
694	Crisis Response Cooperative	Department of Health (601)	\$30,500,000
695	Agreement (CDC)		
696	Disease Intervention Workforce	Department of Health (601)	\$18,078,048
697	(CDC)		
698	Maternal, Infant and Early	Department of Health (601)	\$449,000
699	Childhood Home Visiting Grant		
700	Program (HRSA)		
701	Small Rural Hospital Improvement	Department of Health (601)	\$5,167,520
702	Program (SHIP) (HRSA)		
703	Mental Health Block Grant	Department of Behavioral Health and	\$35,786,432
704	(SAMHSA)	Developmental Services (720)	
705	Substance Abuse Block Grant	Department of Behavioral Health and	\$33,982,454
706	(SAMHSA)	Developmental Services (720)	
707	Community-based overdose	Department of Behavioral Health and	\$750,000
708	prevention programs, syringe	Developmental Services (720)	
709	services programs, and other		
710	harm reduction services (HHS)		
711	Funding For Community-Based	Department of Behavioral Health and	\$1,250,000
712	Local Behavioral Health Needs	Developmental Services (720)	
713	(HHS)		
714	SNAP 3-Year State Administrative	Department of Social Services (765)	\$19,217,240
715	Expense Grants (USDA)		
716	Pandemic EBT Administrative	Department of Social Services (765)	\$10,000,000
717	Grant		
718	HOME Investment Partnerships	Department of Housing and	\$39,724,473
719	Program - Non-entitlement (HUD)	Community Development (165)	
720	Unemployment Insurance	Virginia Employment Commission	\$556,712,639
721	Extension Implementation Grants	(182)	
722	(US DOL)		
723	FTA Nonurbanized Area Formula	Department of Rail and Public	\$1,495,144
724	- (US DOT)	Transportation (505)	
725	Enhanced Mobility of Seniors &	Department of Rail and Public	\$890,896
726	Persons with Disabilities - State	Transportation (505)	
727	(US DOT)		
728	FTA Intercity Bus Formula	Department of Rail and Public	\$2,307,909
729		Transportation (505)	
730	Emergency Management	Department of Emergency	\$2,297,623
731	Performance Grants (FEMA)	Management (127)	
732	Institute of Museum and Library	The Library Of Virginia (202)	\$3,872,000
733	Services (IMLS)		
734	National Endowment for the Arts -	Virginia Commission for the Arts	\$871,100
735	State Arts Agencies	(148)	
736	Aid to State Veterans Homes -	Department of Veterans Services	\$1,439,777
737	Construction (US VA)	(912)	
738	Environmental Justice	Department of Environmental Quality	\$200,000
739	Cooperative Agreement Program	(440)	
740	(EPA)		

741 2. a. Out of the appropriation for the Elementary and Secondary School Emergency Relief (ESSER)
742 Fund, State Educational Agency (SEA) reservation, appropriated to the Department of Education,
743 Central Office Operations (201), \$3,500,000 the second year shall be transferred to Direct Aid to Public
744 Education (197) to support the state and local shares of special education private day school costs for
745 any student with a disability who received special education and related services in a private day school
746 setting during the 2020-2021 school year and who opts for an extension to attend school during the

2021-2022 school year pursuant to Item 146.d. of Chapter 552, 2021 Acts of Assembly, Special Session I. Payments to school divisions to support special education private day school costs for such students shall deduct any amounts due to the school division pursuant to Item 146.d of Chapter 552 and the local match for those funds based on the composite index of local ability-to-pay. All students who are provided the temporary extension of special education eligibility pursuant to Item 146.d of Chapter 552 shall be provided a free appropriate public education consistent with the federal Individuals with Disabilities Education Act for the duration of the 2021-2022 school year, notwithstanding such students' age or school setting. School divisions are encouraged to use federal ESSER Funds to meet the local share of costs for such students.

b. Out of the appropriation for the Elementary and Secondary School Emergency Relief (ESSER) Fund, State Educational Agency (SEA) reservation, appropriated to the Department of Education, Central Office Operations (201), \$11,500,000 the second year shall be transferred to Direct Aid to Public Education (197) to support recruitment efforts through incentive payments to individuals hired to fill instructional positions between August 15, 2021, and November 15, 2021. Local school divisions wishing to participate in this program shall report to the Department of Education the number of instructional position vacancies on August 15, 2021, no later than August 31, 2021. Based on this information, the Department shall communicate to each school division its available allocation from these funds, and school divisions shall communicate the availability of these funds in their recruitment. Such payments shall be based on \$2,500 per individual; however, for individuals hired in hard-to-fill positions or hard-to-staff schools, as defined by the Department of Education, the incentive payment shall be based on \$5,000 per individual. The Department of Education and the school divisions are authorized to prorate these amounts if the demand exceeds the initial allocation. School divisions shall (i) provide half of the incentive payment to the individual no earlier than January 1, 2022, and (ii) provide the balance of the full amount of the incentive payment to the individual no earlier than May 1, 2022, provided that the individual receives a satisfactory performance evaluation and provides a written commitment to return to the same school in the 2022-2023 school year. Individuals who are employed by a local school division in Virginia as of July 1, 2021, who accept an otherwise qualifying position in another local school division are not eligible for this incentive. Individuals employed by a local school division as of July 1, 2021, who transfer from a non-hard-to-staff school to a hard-to-staff school, as defined by the Department of Education, within the same division are eligible for the \$5,000 incentive payment. School divisions shall report to the Department of Education, in a format specified by the Department, all instructional hires in the 2021-2022 school year who qualify for this incentive payment, no later than November 30, 2021. No later than the first day of the 2022 General Assembly Session, the Department of Education shall report on the number of hires reported by each school division participating in this program and the anticipated amount of funding to be provided to each school division for payment to those individuals.

3. The Director of the Department of Planning and Budget is authorized to adjust the amounts appropriated in paragraph D.1. above to reflect the actual revenues received by the Commonwealth for each grant.

4.a. Agencies are authorized to initiate spending in the second year from these appropriations in order to provide one-time services for purposes authorized and permitted under federal law and in accordance with the guidance issued by the U.S. Department of Treasury and other applicable federal agencies, or to execute requirements of federal law that must be initiated. No such spending shall be initiated for programs or services that create an ongoing commitment of state resources after the conclusion of the federal grant unless such services are required by federal law.

b. Prior to initiating any program, service, or spending from these appropriations, the responsible agency must provide written notification of its intended action to the Governor, the Chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee, and the Director of the Department of Planning and Budget. Such notice shall be provided no less than ten business days before an agency initiates services or incurs any costs associated with the grant. For purposes of this section, initiating a program includes any public announcement or proposal presented to constituent groups.

c. If an agency wishes to spend any amounts from these grants for purposes that create an ongoing commitment that must be maintained by state resources after the conclusion of the federal grant, it must receive prior approval and authorization of the General Assembly. Agencies must submit such proposals to the Department of Planning and Budget for consideration by the Governor and the General Assembly for the 2022-2024 biennial budget.

d. Agencies must ensure compliance with all use, documentation, and reporting requirements established in state and federal guidelines and laws.

e. The Governor is authorized to appropriate any additional grants not listed above if they must be executed before the 2022 regular session of the General Assembly. The Governor shall provide written

notice to the chairpersons of the House Appropriations Committee and the Senate Finance and Appropriations Committee no less than five business days prior to appropriating such grants.

E.1. Effective July 1, 2021, through December 31, 2021, the Department of Medical Assistance Services (DMAS) shall temporarily increase the rates by 12.5 percent for all home and community based services eligible under guidance from the Centers for Medicaid and Medicare Services. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

2. The Department of Medical Assistance Services (DMAS) shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to issue one-time COVID-19 support directed payments in the amount of \$1,000 to Agency Directed personal care providers and Consumer Directed Attendants who provided personal care, attendant care, respite care, or companion care services to members who receive services via the EPSDT, Developmental Disability Waivers or the Commonwealth Coordinated Care Plus Waiver program during the first quarter of state fiscal year 2022. DMAS shall have the authority to work with necessary vendors and contractors to determine payment eligibility and the process by which payments will be made. The department shall have the authority to implement necessary changes prior to the completion of any regulatory process undertaken in order to effect such change. Effective October 1, 2021, DMAS shall begin implementing these processes and make payments as soon as administratively feasible.

3. The Department of Medical Assistance Services (DMAS) shall develop strategies, for consideration by the 2022 General Assembly, to re-invest general fund dollars freed-up by the enhanced federal match on home and community based services (HCBS). These strategies should enhance the Commonwealth's HCBS by creating capacity to meet the growing demand for HCBS and support structural changes needed to strengthen the HCBS systems. In addition, DMAS shall work with the Department of Behavioral Health and Developmental Services and the Centers for Medicaid and Medicare Services to identify any opportunities to use HCBS reinvestment dollars to divert individuals who are at risk of institutionalization in state facilities. DMAS shall prioritize those strategies that do not require significant on-going obligations or rely on rate increases. By October 1, 2021, DMAS shall report these strategies, including six year cost projections, to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Director, Department of Planning and Budget.

F. Notwithstanding any requirement in state law or regulation, the Superintendent of Public Instruction, with the support of the Commissioner of Social Services, shall have the authority to alter staff-to-child ratios and group sizes for licensed child day centers and child day centers that participate in the Child Care Subsidy Program by increasing the number of children per staff by (1) one child for groups of children from birth to the age of eligibility to attend public school, and (2) two children for groups of children from the age of eligibility to attend public school through 12 years. Child day centers that take advantage of this flexibility must notify families in writing of the temporary increase in ratios and group size. This authority and any resultant waiver of state law or regulation shall expire June 30, 2022. The Superintendent of Public Instruction shall ensure that any action taken under this provision is permissible under federal requirements.

G. Temporary nurse aides practicing in long term care facilities under the federal Public Health Emergency 1135 Waiver may be deemed eligible by the Board of Nursing while this waiver is in effect to take the National Nurse Aide Assessment Program examination upon submission of a completed application, the employer's written verification of competency and employment as a temporary nurse aide, and provided no other grounds exist under Virginia law to deny the application.

H. The Department of Behavioral Health and Developmental Services shall interpret Standard 12VAC35-105-530 E. to include "lack of adequate staff" as one of the conditions which can jeopardize the health, safety or welfare of individuals and/or employees to permit implementation of the emergency evacuation plan in accordance with Paragraphs A. (as applicable), B. & G. DBHDS shall, if necessary, increase the licensed capacity for a minimum of six months for any location within 24 hours of receiving notice either verbally or via electronic communication to ensure that compliance is maintained with Department of Medical Assistance Regulation 12VAC30-122. Variances shall be granted for standards 12VAC35-105-340 and/or 360 as requested. This requirement shall end on June 30, 2022.

I.1. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician.

2. Notwithstanding the provisions of paragraph I.1. of this item, a nurse practitioner who was registered with the Board of Nursing as a clinical nurse specialist immediately prior to July 1, 2021, may practice without a practice agreement with a licensed physician if such nurse practitioner practices without prescriptive authority. This provision shall expire after June 30, 2022.

J. Any amounts appropriated in this item that remain unspent at the end of any fiscal year shall be

reappropriated in the next fiscal year to be spent for the same purposes as stated in this act.

§ 3-5.23 CORPORATE INCOME TAX INFORMATIONAL REPORTING

A.1. Corporations that are members of a unitary business must file a report, in a manner prescribed by the Tax Commissioner, for the unitary combined group containing the unitary combined net income of such group. The report shall be based on taxable year 2019 computations and include, at a minimum the difference in tax owed as a result of filing a unitary combined report, computed according to the method or methods specified by the Tax Commissioner, compared to the tax owed under the current filing requirements.

2. "Unitary business" means a single economic enterprise made up either of separate parts of a single business entity or of a commonly controlled group of business entities that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. A "unitary business" includes that part of the business that meets the definition in this section and is conducted by a taxpayer through the taxpayer's interest in a partnership, whether the interest in that partnership is held directly or indirectly through a series of partnerships or other pass-through entities. A "unitary business" shall not include persons subject to, or that would be subject to if doing business in the Commonwealth, the insurance premiums license tax under Chapter 25 (§ 58.1-2500 et seq.), Code of Virginia, or the bank franchise tax under Chapter 12 (§ 58.1-1200 et seq.).

3. The report must be submitted to the Department of Taxation on or before July 1, 2021, which date shall not be extended.

4. Members of a unitary combined group shall exclude as a member and disregard the income and apportionment factors of any corporation incorporated in a foreign jurisdiction (a "foreign corporation") if the average of its property, payroll and sales factors outside the United States is eighty percent (80%) or more. If a foreign corporation is includible as a member in the unitary combined group, to the extent that such foreign corporation's income is subject to the provisions of a federal income tax treaty, such income is not includible in the unitary combined group net income. Such member shall also not include in the unitary combined report any expenses or apportionment factors attributable to income that is subject to the provisions of a federal income tax treaty. For purposes of this paragraph, "federal income tax treaty" means a comprehensive income tax treaty between the United States and a foreign jurisdiction, other than a foreign jurisdiction which the organization for economic co-operation and development has determined has not committed to the internationally agreed tax standard, or has committed to the international agreed tax standard but has not yet substantially implemented that standard, as identified in the then-current organization for economic co-operation and development progress report.

B. Any corporation required to submit such report to the Department of Taxation that fails to do so on or before July 1, 2021, or that makes a material omission or misstatement in connection with such a report shall be subject to a penalty of \$10,000. The Tax Commissioner shall have the authority to waive such penalty upon a determination that the requirement would cause an undue hardship. All requests for a waiver shall be transmitted to the Tax Commissioner in writing.

C. The Tax Commissioner shall on or before December 1, 2021, based on the information provided in income tax returns and the data submitted under this section, submit a report to the Chair of the Senate Finance and Appropriations Committee, the Chair of the House Appropriations Committee, and the Chair of the House Finance Committee.

14. That the provisions of Item 479.10, paragraphs I.1. and I.2. of Chapter 552, 2021 Acts of Assembly, Special Session I, are no longer effective upon signage of this act.

15. That the provisions of § 18.2-422 of the Code of Virginia shall not apply to a person wearing a mask to prevent the spread of COVID-19.

16.a. That upon enactment of this act and through June 30, 2022, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for nonpayment of rent, if the eligible tenant has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic, except as follows:

1. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall, pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent Relief Program and provides the website address and statewide telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and local rent relief programs.

2. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent shall apply for rental assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the landlord that they

931 *have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of*
932 *the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the*
933 *full amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental*
934 *assistance before the 14th day, or they have entered into a payment plan with the tenant. If the tenant*
935 *has applied for rental assistance, the landlord shall cooperate with the tenant's application, by*
936 *providing all information and documentation required to complete the application, including but not*
937 *limited to the W-9 form and any supporting affidavits. In an initial application, if the landlord or the*
938 *tenant does not receive written approval from the Virginia Rent Relief Program or any other federal,*
939 *state, or local rent relief program within forty-five days of when a completed application for*
940 *assistance is made by the tenant or the landlord, the landlord may proceed to obtain possession of the*
941 *premise as provided in § 55.1-1251. For any subsequent application, if the landlord or tenant does not*
942 *receive written approval from the Virginia Rent Relief Program or any other federal, state, or local*
943 *rent relief program within fourteen days of submission of the subsequent completed application, the*
944 *landlord may proceed to obtain possession of the premises as provided in § 55.1-1251. If a tenant*
945 *who has not paid in full or entered into a payment plan with the landlord within 14 days after the*
946 *written notice is served refuses to apply for rental assistance and also refuses to cooperate with the*
947 *landlord in providing information and documentation required to complete the application made by*
948 *the landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer*
949 *funds available through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L.*
950 *116-136) and from the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2) for rental assistance*
951 *through the Virginia Rent Relief program, the landlord may take action to obtain possession of the*
952 *tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.*
953 *b. If a landlord reports to a consumer reporting agency or debt collector regarding a tenant who is*
954 *participating in the repayment plan or receiving assistance from a federal, state, or local rent relief*
955 *program, the landlord shall report the account as "current" in accordance with the Public Law*
956 *116-136: Coronavirus Aid, Relief, and Economic Security Act.*
957 *c. If a tenant is complying with a written payment plan with the landlord or has resolved any*
958 *non-payment of rent, the landlord cannot take any action to obtain possession of a dwelling unit for*
959 *non-payment of rent.*
960 *d. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain*
961 *the dwelling as those obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1.*
962 *e. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior*
963 *to the effective date of this act; however, a landlord shall not initiate, maintain, or advance any legal*
964 *process to obtain possession of a dwelling unit for non-payment of the rent unless the landlord*
965 *complies with the provisions of this section.*
966 *f. Notwithstanding any other language to the contrary, should the Governor declare a state of*
967 *emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of*
968 *public health threat as defined in § 44-146.16 of the Code of Virginia, and if that declaration*
969 *specifically provides that the eighth enactment of Chapter 552 of the Acts of Assembly Special Session*
970 *I shall supersede the language set forth in enactment sixteen of this act then this sixteenth enactment*
971 *shall not be effective so long as such a declared state of emergency remains in effect.*
972 *17.a. That notwithstanding any other provision of law, any permanent or interim legislative study or*
973 *advisory commission, committee, or subcommittee, other than a standing committee of the General*
974 *Assembly to which bills and resolutions are referred during a legislative session pursuant to Article*
975 *IV, Section 11 of the Constitution of Virginia, or any executive advisory board or council may*
976 *conduct a meeting by electronic communications means without a quorum of the public body*
977 *physically assembled at one location if the meeting is being held solely to receive presentations,*
978 *updates, public comment, or conduct other forms of information gathering. If a quorum is not*
979 *physically assembled, the commission, committee, subcommittee, board, or council shall not take any*
980 *votes or make any formal recommendations at such meeting.*
981 *b. Any entity meeting in accordance with this enactment shall comply with all other requirements for*
982 *conducting a meeting by electronic means set forth in subsection C of § 2.2-3708.2 of the Code of*
983 *Virginia.*
984 *c. Should the Governor declare a state of emergency pursuant to § 44-146.17 of the Code of Virginia*
985 *in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code*
986 *of Virginia, the provisions of item 4-0.01.g. of Chapter 552 of the 2021 Special Session I shall govern*
987 *the conduct of meetings.*
988 *18.a. That no institution or an agent thereof; athletic association; athletic conference; or other*
989 *organization with authority over intercollegiate athletics shall:*
990 *1. Provide a prospective or current student-athlete with compensation for the use of his or her name,*
991 *image, or likeness;*
992 *2. Prohibit or prevent a student-athlete from earning compensation for the use of his or her name,*

993 image, or likeness, except as set forth in this subsection;
 994 3. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent
 995 licensed pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1 of the Code of Virginia, or legal
 996 representation by an attorney licensed to practice law in the Commonwealth, for issues related to
 997 name, image, or likeness;
 998 4. Declare ineligible for competition or reduce, cancel or not renew an athletic scholarship because a
 999 student-athlete earns compensation for the use of his or her name, image, or likeness; or
 1000 5. Prevent an institution from participating in intercollegiate athletics because a student-athlete earns
 1001 compensation for the use of his or her name, image or likeness, or obtains representation for related
 1002 issues.
 1003 b. An institution may prohibit a student-athlete from earning compensation for the use of his or her
 1004 name, image or likeness while the individual is engaged in academic, official team, or department
 1005 activities, including competition, practice, travel, academic services, community service, and
 1006 promotional activities.
 1007 c. An institution may prohibit a student-athlete from using his or her name, image or likeness to earn
 1008 compensation if the proposed use conflicts with an existing agreement between the institution and a
 1009 third party.
 1010 d. A student-athlete shall be prohibited from earning compensation for the use of his or her name,
 1011 image or likeness in connection with any of the following:
 1012 1. Casinos or gambling, including sports betting;
 1013 2. Alcohol products;
 1014 3. Adult entertainment;
 1015 4. Cannabis, cannabinoids, cannabidiol, or other derivatives;
 1016 5. Dangerous or controlled substances;
 1017 6. Performance enhancing drugs or substances (e.g., steroids, human growth hormone);
 1018 7. Drug paraphernalia;
 1019 8. Tobacco and electronic smoking products and devices; and
 1020 9. Weapons, including firearms and ammunition.
 1021 e. Any agreement entered into by a student athlete that provides compensation for the use of a
 1022 student-athlete's name, image, or likeness shall be disclosed prior to execution of the agreement by
 1023 such student-athlete in a manner designated by the institution the student-athlete is attending. If a
 1024 student-athlete discloses a potential agreement that conflicts with an existing institutional agreement,
 1025 the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.
 1026 f. A student-athlete shall not earn compensation for the use of his or her name, image, or likeness in
 1027 exchange for attendance at an institution or pay-for-performance.
 1028 g. A student-athlete shall not use an institution's facilities or uniforms, or the institution's intellectual
 1029 property, including logos, indicia, registered and unregistered trademarks, or products protected by
 1030 copyright, unless otherwise permitted by the institution.
 1031 h. For the purposes of this subsection:
 1032 "Institution" means a private institution of higher education or baccalaureate public institution of
 1033 higher education.
 1034 "Pay-for-performance" means payments and compensation provided to student-athletes that is
 1035 contingent on the student athlete's achieving certain performance goals or objectives.
 1036 "Student-athlete" means an individual enrolled at an institution who participates in intercollegiate
 1037 athletics.
 1038 19. That § 38.2-3461, § 38.2-3462, § 38.2-3463, § 38.2-3464 shall not apply to a nonprofit group
 1039 model health maintenance organization. "Nonprofit group model health maintenance organization"
 1040 means a health maintenance organization authorized by Title 38.2, Chapter 43 that:
 1041 (i) Is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;
 1042 (ii) Contracts with one multispecialty group of physicians who are employed by and shareholders of
 1043 the multispecialty group; and
 1044 (ii) Provides and arranges for the provision of physician services to patients at medical facilities
 1045 operated by the health maintenance organization.
 1046 20. That for the purposes of the Virginia Overtime Wage Act §40.1-29.2 the terms "Wages" and
 1047 "Pay" shall also mean overtime compensatory time in lieu of wages for overtime pay by public
 1048 agencies as provided by the Fair Labor Standards Act, 29 U.S.C. §207(o). Employees covered under
 1049 29 U.S.C. §213(b)(10)(A) shall be exempt from the overtime requirements set out in Code of Virginia
 1050 §40.1-29.2.
 1051 21. That notwithstanding Item C-72, Chapter 552, 2021 Acts of Assembly, Special Session I, up to
 1052 \$25,000,000 of the \$40,000,000 in Virginia Public Building Authority debt authorized in Item C-72,
 1053 Chapter 552, 2021 Acts of Assembly, Special Session I, may be used by the Virginia Port Authority to

1054 *fund capital projects for infrastructure improvements necessary to improve the Portsmouth Marine*
1055 *Terminal to handle loading in and out of large, heavy offshore wind components and serve as an*
1056 *offshore wind hub; however, such debt may only be issued if the Secretary of Finance, the Secretary*
1057 *of Transportation, and the Virginia Port Authority Board of Commissioners each approve the capital*
1058 *project or projects.*

1059 *22. That a Phase II Utility shall be prohibited from disconnecting service for non-payment of bills or*
1060 *fees, from the effective date of this act until March 1, 2022, for any jurisdictional residential customer*
1061 *who has previously demonstrated they received federal, state, nonprofit entity, or utility payment*
1062 *assistance at any time between January 1, 2019 and July 31, 2021, or as having a qualified medical*
1063 *account designation with the utility as of July 31, 2021, or as certified by the Virginia Department of*
1064 *Social Services, which shall work with the utility to provide such certification, as being a recipient of*
1065 *Supplemental Nutrition Assistance Program (SNAP); Women, Infants, and Children Program (WIC);*
1066 *or Temporary Assistance for Needy Families (TANF) benefits at any time between January 1, 2019*
1067 *and July 31, 2021.*

1068 *23. That this act is effective on its passage as provided in § 1-214 of the Code of Virginia.*

1069 *14. 24. That the provisions of the first, second, third, fourth, sixth, seventh, eighth, and twelfth,*
1070 *fourteenth, fifteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, and*
1071 *twenty-third enactments of this act shall expire at midnight on June 30, 2022.*

1072 *25. That the provisions of the sixteenth enactment of this act shall expire at midnight on June 30,*
1073 *2022 unless: 1) there are no funds available for the Virginia Rent Relief program from the*
1074 *Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) and from the American*
1075 *Rescue Plan Act of 2021 (ARPA) (P.L. 117-2), or 2) the provisions of paragraph f. of the sixteenth*
1076 *enactment of this act becomes effective.*

1077 *15. 26. That the provisions of the fifth, ninth, tenth, eleventh, and thirteenth enactments of this act*
1078 *shall have no expiration date.*