

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 1: Reflect changes to page one of the budget bill

Item 0

Revenues

Revenues

Language

Language:

Page 1, Line 22, strike "\$676,770,825" and insert "\$675,516,651".
Page 1, Line 22, strike "\$676,770,825" and insert "\$675,516,651".
Page 1, Line 24, strike "\$16,313,889,429" and insert "\$16,313,139,429".
Page 1, Line 24, strike "\$17,042,740,657" and insert "\$17,041,740,657".
Page 1, Line 24, strike "\$33,356,630,086" and insert "\$33,354,880,086".
Page 1, Line 25, strike "\$398,037,581" and insert "\$397,837,581".
Page 1, Line 25, strike "\$812,072,256" and insert "\$811,872,256".
Page 1, Line 28, strike "\$17,391,502,915" and insert "\$17,389,298,741".
Page 1, Line 28, strike "\$17,460,954,660" and insert "\$17,459,954,660".
Page 1, Line 28, strike "\$34,852,457,575" and insert "\$34,849,253,401".
Page 1, Line 32, strike "\$23,665,283,742" and insert "\$23,668,863,714".
Page 1, Line 32, strike "\$25,106,014,541" and insert "\$25,107,934,100".
Page 1, Line 32, strike "\$48,771,298,283" and insert "\$48,776,797,814".
Page 1, Line 33, strike "\$450,300,000" and insert "\$457,300,000".
Page 1, Line 33, strike "\$455,000,000" and insert "\$462,000,000".
Page 1, Line 33, strike "\$905,300,000" and insert "\$919,300,000".
Page 1, Line 34, strike "\$1,057,027,948" and insert "\$1,046,327,948".
Page 1, Line 34, strike "\$1,113,964,040" and insert "\$1,103,264,040".
Page 1, Line 37, strike "\$29,712,484,350" and insert "\$29,712,364,322".
Page 1, Line 37, strike "\$25,617,950,633" and insert "\$25,626,870,192".
Page 1, Line 37, strike "\$55,330,434,983" and insert "\$55,339,234,514".
Page 1, Line 40, strike "\$47,103,987,265" and insert "\$47,101,663,063".
Page 1, Line 40, strike "\$43,078,905,293" and insert "\$43,086,824,852".
Page 1, Line 40, strike "\$90,182,892,558" and insert "\$90,188,487,915".
Page 2, Line 24, strike "\$34,820,390,366" and insert "\$34,826,430,751".
Page 2, Line 24, strike "\$50,443,873,140" and insert "\$50,463,372,671".
Page 2, Line 24, strike "\$85,264,263,506" and insert "\$85,289,803,422".
Page 2, Line 29, strike "\$33,837,902,313" and insert "\$33,843,942,698".
Page 2, Line 29, strike "\$49,123,837,367" and insert "\$49,143,336,898".
Page 2, Line 29, strike "\$82,961,739,680" and insert "\$82,987,279,596".
Page 2, Line 34, strike "\$20,000,000" and insert "\$800,000".
Page 2, Line 34, strike "\$1,219,840,508" and insert "\$1,209,140,508".
Page 2, Line 34, strike "\$1,239,840,508" and insert "\$1,209,940,508".
Page 2, Line 36, strike "\$34,840,390,366" and insert "\$34,827,230,751".
Page 2, Line 36, strike "\$51,663,713,648" and insert "\$51,672,513,179".
Page 2, Line 36, strike "\$86,504,104,014" and insert "\$86,499,743,930".

Explanation:

(This amendment reflects the general fund and nongeneral fund resources changes as well as appropriation changes included in the Governor's executive amendments to HB 1301.)

Amendment 2: Amend language regarding immediate sanction program

Item 50

Judicial Department

Virginia Criminal Sentencing Commission

Language

Language:

Page 29, strike lines 27 through 36 and insert:

“B.1. Notwithstanding the provisions of § 19.2-303.5, Code of Virginia, the provisions of that section shall not expire on July 1, 2012, but shall continue in effect until July 1, 2014 and may be implemented in up to four sites.

2. The Virginia Criminal Sentencing Commission, with concurrence of the chief judge of the circuit court and the Commonwealth's attorney of the locality, shall designate each immediate sanction probation program site. The Virginia Criminal Sentencing Commission shall develop guidelines and procedures for implementing the program, administer the program, and evaluate the results of the program. As part of its administration of the program, the commission shall designate a standard, validated substance abuse assessment instrument to be used by probation and parole districts to assess probationers subject to the immediate sanction probation program. The commission shall also determine outcome measures and collect data for evaluation of the results of the program at the designated sites. The commission shall present a report on the implementation of the immediate sanction probation program, including preliminary recidivism results to the Chief Justice, Governor, and the Chairmen of the House and Senate Courts of Justice Committees, the House Appropriations Committee and the Senate Finance Committee by October 1, 2013.”

Explanation:

(This amendment substitutes proposed budgetary language regarding implementation of the previously authorized immediate sanction sentencing program in order to provide greater structure to the program and ensure that it will be implemented in several locations so the results of the program can be evaluated.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 3: Fill vacated judgeships

Item 53

Judicial Department

Judicial Department Reversion Clearing
Account

Language

Language:

Page 33, after line 44, insert:

"46. Effective August 1, 2012, the provisions of this Item shall not apply to any authorized circuit, general district, or juvenile and domestic relations court judgeship in which the vacancy occurred after August 1, 2012 and prior to December 1, 2012, and the incumbent judge would not have been subject to mandatory retirement on or before February 15, 2013."

Page 33, line 45, strike "46" and insert "47".

Explanation:

(This amendment authorizes the filling of any vacant judgeships, which will occur between August 1, 2012, and December 1, 2012, that were not announced or planned prior to the end of the 2012 General Assembly Session.)

Amendment 4: Increase appropriation from the expanded consumer affairs services

Item 61

Executive Offices

Attorney General and Department of Law

FY 12-13

\$300,000

FY 13-14

\$0 NGF

Language:

Page 37, line 26, strike "\$2,604,410" and insert "\$2,904,410".

Page 37, line 31, strike "\$1,250,000 the first year" and insert "\$1,550,000 the first year".

Page 37, line 42, strike "\$1,250,000" and insert "\$1,550,000".

Explanation:

(This amendment increases the appropriation and authority to carry over to the next fiscal year additional special funds deposited to the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund in the Office of the Attorney General. The additional funds will be generated by the expanded consumer affairs activity resulting from the merger of consumer affairs activities in the Department of Agriculture and Consumer Services with the Office of the Attorney General.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 5: Restore career development program funding

Item 75

Administration

Compensation Board

FY 12-13

\$973,919

FY 13-14

\$0 GF

Language:

Page 52, line 48, strike "\$2,218,009" and insert "\$3,191,928".

Page 55, line 44, strike "R." and insert "R.1.".

Page 55, after line 47 insert:

"2. The funding identified in paragraphs R.3., R.4., R.5. and R.6. of this Item shall be used to support individuals that have not been provided Career Development Program salary adjustments even though they met all required program criteria prior to January 1, 2010.

3. Included in this appropriation is \$639,878 the first year from the general fund to support the Sheriffs' Career Development Program and the Master Deputy Program. The Department of Planning and Budget shall transfer these amounts to Item 68 of this act.

4. Included in this appropriation is \$71,083 the first year from the general fund to support the Career Development Programs for commissioners and deputy commissioners of revenue. The Department of Planning and Budget shall transfer these amounts to Item 71 of this act.

5. Included in this appropriation is \$150,612 the first year from the general fund to support the Career Prosecutor Career Development Program for Commonwealth's attorneys. The Department of Planning and Budget shall transfer these amounts to Item 72 of this act.

6. Included in this appropriation is \$112,346 the first year from the general fund to support the Career Development Programs for treasurers and deputy treasurers. The Department of Planning and Budget shall transfer these amounts to Item 74 of this act."

Explanation:

(This amendment restores funding for constitutional offices' career development programs for one year. Providing this funding will permit individuals that met the programs' criteria prior to January 1, 2010, to be provided salaries similar to others currently in the programs. The funding for this amendment comes from savings realized in other amendments for the Compensation Board.)

Amendment 6: Allow localities to supplement salaries to offset retirement costs

Item 75

Administration

Compensation Board

Language

Language:

Page 53, line 14, after "for" insert "the provisions of Chapter 822, 2012 Acts of Assembly or for".

Explanation:

(This amendment provides clarifying language that allows localities to supplement salaries of constitutional officers associated with the implementation of Chapter 822, 2012 Acts of Assembly.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 7: Provide funding for constitutional amendments

Item 87

Administration	FY 12-13	FY 13-14
State Board of Elections	\$310,000	\$0 GF

Language:

Page 63, line 11, strike "\$7,277,817" and insert "\$7,587,817".

Explanation:

(This amendment provides the funding needed to cover the advertising and administrative costs that will be incurred by the agency for the two constitutional amendments that will be on the ballot this fall as a result of the passage of House Bill 5, House Bill 1021, and Senate Bill 240 at the 2012 General Assembly.)

Amendment 8: Eliminate inspection requirement of program

Item 94

Agriculture and Forestry

Department of Agriculture and Consumer
Services

Language

Language:

Page 69, line 48, after "A." strike "1.".

Page 70, strike lines 6 through 17.

Explanation:

(This amendment strikes the language regarding the Beehive Grant Fund Program, except for the paragraph setting out the appropriation for the program. The Beehive Grant Fund Program requirements are provided in the Code of Virginia, Chapter 412 of the 2012 Session of the General Assembly. Striking the language prevents any conflict between the Appropriation Act and the Code of Virginia regarding the program.)

Amendment 9: Split funding across biennium for weights and measures

Item 97

Agriculture and Forestry	FY 12-13	FY 13-14
Department of Agriculture and Consumer Services	(\$125,000)	\$125,000 GF

Language:

Page 70, line 34, strike "\$2,588,235" and insert "\$2,463,235".

Page 70, line 34, strike "\$2,338,235" and insert "\$2,463,235".

Explanation:

(This amendment splits the funding provided for the weights and measures program in the first year across both years of the biennium. The \$250,000 in general fund support provided in the enrolled bill was to be used to reduce the gap in the inspection cycle of this program. Spreading the funding across the biennium provides the agency with the ability to hire additional inspectors on an ongoing basis.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 10: Increase general fund appropriation for food safety

Item 98

Agriculture and Forestry	FY 12-13	FY 13-14
Department of Agriculture and Consumer Services	\$98,420	\$0 GF

Language:

Page 71, line 9, strike "\$6,906,837" and insert "\$7,005,257".

Explanation:

(This amendment provides an additional \$98,420 in the first year to support inspection of food facilities.)

Amendment 11: Restore funding for life sciences initiative

Item 105

Commerce and Trade	FY 12-13	FY 13-14
Economic Development Incentive Payments	\$2,500,000	\$2,500,000 GF

Language:

Page 75, line 39, strike "\$51,861,384" and insert "\$54,361,384".

Page 75, line 39, strike "\$51,608,594" and insert "\$54,108,594".

Page 78, after line 31, insert:

"M.1. Out of the appropriation for this Item, \$2,500,000 the first year and \$2,500,000 the second year from the general fund shall be provided for a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences. Initial exclusive focus will be around the Virginia core strength areas of Bio-Informatics and Medical Informatics, Point of Care Diagnostics and Drug Discovery and Delivery. The funding to be provided for research under this Item must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. The Director, Department of Planning and Budget, is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Director, Department of Planning and Budget by the non-stock corporation research consortium.

2. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium. Participation in the consortium by the five founding institutions and by other institutions choosing to join will require a cash contribution from each institution in each of the first and second years of at least \$50,000, or a larger amount to be determined by the consortium.

3. No research will be funded by the consortium unless at least two of the participating institutions are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The

Governor's 2012 Special Session I Executive Amendments (HB 1301)

consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.

4. Of these funds, up to \$250,000 the first year and \$250,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.

5. The Virginia Economic Development Partnership, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Governor, and the Chairmen of the Senate Finance and House Appropriations committees, by November 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth."

Explanation:

(This amendment partially restores funding included in the introduced budget bill to implement a life sciences initiative, consisting of a research consortium comprised of publicly-supported institutions of higher education in the Commonwealth that will contract with private entities, foundations, and other governmental sources to perform research in the biosciences. Up to \$250,000, or 10 percent of the annual funding may be used for administrative expenses.)

Amendment 12: Restore base funding for the Motion Picture Opportunity Fund

Item 105

Commerce and Trade	FY 12-13	FY 13-14
Economic Development Incentive Payments	\$1,000,000	\$1,000,000 GF

Language:

Page 75, line 39, strike "\$51,861,384" and insert "\$52,861,384".

Page 75, line 39, strike "\$51,608,594" and insert "\$52,608,594".

Page 77, line 10, after "Item," strike "\$2,000,000 the first year and \$2,000,000 the second year" and insert "\$3,000,000 the first year and \$3,000,000 the second year".

Explanation:

(This amendment restores general fund support for the Governor's Motion Picture Opportunity Fund. This action will bring the funding level for each year of the 2012-2014 biennium to that currently provided in FY 2012 in Chapter 890, 2011 Acts of Assembly.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 13: Restore GAP and CRCF funding

Item 105

Commerce and Trade	FY 12-13	FY 13-14
Economic Development Incentive Payments	\$0	\$3,000,000 GF

Language:

Page 75, line 39, strike "\$51,608,594" and insert "\$54,608,594".

Page 78, line 6, strike "\$5,000,000" and insert "\$8,000,000".

Page 78, line 8, strike "\$2,000,000" and insert "\$3,200,000".

Page 78, line 10, strike "\$3,000,000" and insert "\$4,800,000".

Explanation:

(This amendment funds the Growth Acceleration Program and the Commonwealth Research and Commercialization Fund at the same level each year. This action represents a continuing commitment to enhance the reach and effectiveness of these programs to facilitate the overall growth and development of the technology industry in the Commonwealth.)

Amendment 14: Move funding for the Virginia-Israel Advisory Board

Item 105

Commerce and Trade	FY 12-13	FY 13-14
Economic Development Incentive Payments	\$175,361	\$175,361 GF

Language:

Page 75, line 39, strike "\$51,861,384" and insert "\$52,036,745".

Page 75, line 39, strike "\$51,608,594" and insert "\$51,783,955".

Page 78, after line 31, insert:

"M.1. Out of this appropriation, \$175,361 the first year and \$175,361 the second year from the general fund shall be provided to the Virginia-Israel Advisory Board.

2. The Virginia-Israel Advisory Board shall seek prior approval of all travel and related expenditures from the Secretary of Commerce and Trade.

3. The Virginia-Israel Advisory Board shall report by January 15 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the board's activities and expenditure of state funds."

Explanation:

(This amendment transfers the funding for the Virginia-Israel Advisory Board from the Virginia Economic Development Partnership to Economic Development Incentive Payments and requires the Board to seek prior approval of all travel and related expenditures from the Secretary of Commerce and Trade. A companion amendment to Item 123 removes the funding from the Virginia Economic Development Partnership. In addition, this amendment provides an additional \$47,896 each year to the Board. The total appropriation for the Board is \$175,361 each year.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 15: Transfer funding for the Virginia-Israel Advisory Board

Item 123

Commerce and Trade	FY 12-13	FY 13-14
Virginia Economic Development Partnership	(\$127,465)	(\$127,465) GF

Language:

Page 88, line 24, strike "\$17,976,931" and insert "\$17,849,466".

Page 88, line 24, strike "\$17,476,931" and insert "\$17,349,466".

Page 89, strike lines 42 through 50.

Explanation:

(This amendment removes funding for the Virginia-Israel Advisory Board. A companion amendment appropriates funding for the board under Economic Development Incentive Payments.)

Amendment 16: Expand international marketing campaign

Item 123

Commerce and Trade	FY 12-13	FY 13-14
Virginia Economic Development Partnership	\$0	\$500,000 GF

Language:

Page 88, line 24, strike "\$17,476,931" and insert "\$17,976,931".

Page 89, line 34, after "year" insert "and \$500,000 the second year".

Explanation:

(This amendment provides funding in FY 2014 to expand international marketing efforts at the Virginia Economic Development Partnership. The budget passed by the General Assembly included \$500,000 for this purpose in FY 2013.)

Amendment 17: Support the Shenandoah Valley Center for Manufacturing

Item 123

Commerce and Trade	FY 12-13	FY 13-14
Virginia Economic Development Partnership	\$0	\$195,000 GF

Language:

Page 88, line 24, strike "\$17,476,931" and insert "\$17,671,931".

Page 89, line 36, strike "From the amounts provided for economic development services," and insert "Out of this appropriation,".

Page 89, line 37, after "year" insert "from the general fund".

Explanation:

(This amendment provides \$195,000 to assist with the establishment of a Center for Manufacturing in the Shenandoah Valley. The enrolled bill dedicated \$195,000 of the general fund dollars in the second year in the budget for this purpose but did not provide additional funding. This amendment provides the additional funds.)

Amendment 18: Require higher education institutions to report the use of reallocations

Item 130

Education

Secretary of Education

Language

Language:

Page 94, after line 42, insert:

"D. For the funds identified for reallocation in each of the higher education institutions' educational and general programs, each respective institution shall report the amounts and the specific purposes for which they were used in its six-year academic plans finalized in the fall of 2012 and the fall of 2013."

Page 94, line 43, strike "D." and insert "E."

Explanation:

(This amendment requires the public higher education institutions to include within their six-year academic plans the amounts of reallocated funds and the specific purposes for which they were used to support programs and strategies that serve to advance the objectives of the Higher Education Opportunity Act of 2011.)

Amendment 19: Restore funding for College Partnership Laboratory Schools initiative

Item 130

Education

FY 12-13

FY 13-14

Secretary of Education

\$600,000

\$0 GF

Language:

Page 94, line 3, strike "\$606,508" and insert "\$1,206,508".

Page 94, after line 28, insert:

"C. Out of this appropriation, \$600,000 the first year from the general fund is designated to plan for the development and establishment of innovative education programs and to promote greater cooperation and coordination among institutions of higher education in developing programs for students in preschool to grade 12 through the establishment of College Partnership Laboratory Schools pursuant to Chapter 871 of the 2010 Acts of Assembly. The Secretary of Education is authorized to select institutions of higher education to receive funding provided in this Item."

Page 94, line 29, strike "C." and insert "D."

Page 94, line 43, strike "D." and insert "E."

Explanation:

(This amendment restores funding for the College Partnership Laboratory Schools initiative for fiscal year 2013 to accommodate the changes made by the 2012 General Assembly to the Laboratory Schools statute to allow private institutions of higher education to establish partnerships with local school districts. This additional funding will allow planning fund awards to support proposals from private institutions, as well as institutions not accommodated within the funding provided in fiscal year 2012.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 20: Modify language for Information Technology Academy funding

Item 131

Education: Elementary and Secondary

Department of Education, Central Office

Operations

Language

Language:

Page 95, line 42, after "programs" insert ", and information technology curriculum resources for use by students' parents".

Page 95, strike lines 43 through 48 and insert:

"2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in the information technology academy program leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement the information technology academy model leading to increased statewide implementation and use; c) increase the number of teachers teaching targeted career and technical education courses and other high school teachers who receive training in the information technology academy program and in industry recognized certifications leading to an increased number of teachers achieving industry recognized certifications in information technology; and, d) support implementation of the information technology academy program in school divisions in Southside and Southwest Virginia so that implementation in those regions is at least comparable to implementation in other regions of Virginia."

Explanation:

(This amendment modifies language pertaining to new funding that supports access to the information technology academy program. The existing language does not mention parental access to the curriculum materials; however, the intent of this program is that parents be granted access to the curriculum to further encourage involvement and support for students pursuing industry certifications for information technology.)

Amendment 21: Provide funding to support implementation of tax credit programs

Item 137

Education: Elementary and Secondary

Department of Education, Central Office

Operations

FY 12-13

\$185,000

FY 13-14

\$0 GF

Language:

Page 98, line 11, strike "\$17,565,986" and insert "\$17,750,986".

Explanation:

(This amendment provides funding to support the additional costs related to implementation of the provisions of the Education Scholarship tax credits program and expansion of the Neighborhood Assistance tax credits program as approved under House Bill 321 and Senate Bill 131 by the 2012 General Assembly. These programs will be administered by the Department of Education, which is currently not budgeted for the additional activities required to certify and track these scholarships for the purpose of granting the tax credits.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 22: Reallocate Project Discovery funding to Communities in Schools

Item 138

Education: Elementary and Secondary

Direct Aid to Public Education

Language:

Page 100, line 49, strike "\$350,000" and insert "\$525,000".

Page 100, line 50, strike "\$350,000" and insert "\$525,000".

Page 101, line 35, strike "\$350,000" and insert "\$175,000".

Explanation:

(This amendment reduces the funding restored for Project Discovery by \$175,000 each year and reallocates this funding to Communities in Schools (CIS), bringing the total funding to CIS to \$525,000 each year. Communities in Schools has proven to be an effective program to enhance student achievement.)

Amendment 23: Restore funding for teacher recruitment initiative

Item 138

Education: Elementary and Secondary

FY 12-13

FY 13-14

Direct Aid to Public Education

\$300,000

\$400,000 GF

Language:

Page 99, line 19, strike "\$9,456,858" and insert "\$9,756,858".

Page 99, line 19, strike "\$8,552,137" and insert "\$8,952,137".

Page 101, after line 54, insert:

"S. Out of this appropriation, \$300,000 the first year and \$400,000 the second year from the general fund is provided to establish a comprehensive pilot initiative to recruit students to major in the fields of mathematics and science to help alleviate the shortage of qualified teachers in these fields."

Explanation:

(This amendment restores funding for the teacher recruitment initiative, which will help prepare additional math and science teachers to work in Virginia's schools. The shortage of qualified teachers in these fields makes it difficult for Virginia's schools to ensure that all students are well equipped to handle a world where knowledge of science, technology, engineering and math (STEM) is necessary for future job success.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 24: Eliminates funding for the new College Readiness Center pilot program

Item 138

Education: Elementary and Secondary	FY 12-13	FY 13-14
Direct Aid to Public Education	(\$175,000)	\$0 GF

Language:

Page 99, line 19, strike "\$9,456,858" and insert "\$9,281,858".

Page 101, strike lines 46 through 52.

Page 101, line 53, strike "R." and insert "Q.".

Explanation:

(This amendment removes funding for a new College Readiness Center pilot program. This program is similar to many dual enrollment programs that operate throughout the state without directed state support.)

Amendment 25: Shift new funding for Youth Development Academies to the first year

Item 138

Education: Elementary and Secondary	FY 12-13	FY 13-14
Direct Aid to Public Education	\$135,794	\$0 GF

Language:

Page 99, line 19, strike "\$9,456,858" and insert "\$9,592,652".

Page 101, line 6, strike "\$67,897" and insert "\$203,691".

Explanation:

(This amendment provides an additional \$135,794 in fiscal year 2013 to support two additional Youth Development Academy Pilots, bringing the total to three in the first year.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 26: Modify Early Reading language and fund full third grade expansion

Item 139

Education: Elementary and Secondary

FY 12-13

FY 13-14

Direct Aid to Public Education

\$2,052,042

\$0 GF

Language:

Page 101, line 55, strike "\$5,820,309,563" and insert "\$5,822,361,605".

Page 102, line 32, strike "\$51,485,788" and insert "\$53,537,830".

Page 102, line 42, strike "\$5,240,989,690" and insert "\$5,243,041,732".

Page 103, line 22, strike "\$16,256,438" and insert "\$18,308,480".

Page 103, line 40, strike "\$9,896,994" and insert "\$7,844,952".

Page 113, line 20, strike "\$51,485,788" and insert "\$53,537,830".

Page 113, line 21, strike "\$9,896,994" and insert "\$7,844,952".

Page 123, line 14, strike "\$16,256,438" and insert "\$18,308,480".

Page 123, line 25, after "Instruction." insert "In addition to the reported diagnostic test results, school divisions shall report the students who received intervention services, the type, duration, and results of the intervention, as well as whether these students were promoted or retained and the rationale for the decision to promote or retain these students."

Page 123, line 37, strike "62.5%" and insert "100%".

Page 123, line 40, after "year." insert "At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting."

Page 123, after line 51, insert:

"e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program."

Explanation:

(This amendment modifies the existing language for the Early Reading Intervention Program and fully funds the expansion of third grade participation to 100 percent in FY 2013. This initiative is intended to ensure Virginia students are sufficiently literate to continue successfully onward through their school career.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 27: Use additional Lottery proceeds to offset general fund support for K-12

Item 139

Education: Elementary and Secondary	FY 12-13	FY 13-14
Direct Aid to Public Education	(\$7,004,305)	(\$6,996,826) GF
	\$7,000,000	\$7,000,000 NGF

Language:

Page 102, line 32, strike "\$51,485,788" and insert "\$44,481,483".
Page 102, line 32, strike "\$57,183,150" and insert "\$50,186,324".
Page 102, line 42, strike "\$5,240,989,690" and insert "\$5,233,985,385".
Page 102, line 42, strike "\$5,269,885,305" and insert "\$5,262,888,479".
Page 103, line 40, strike "\$9,896,994" and insert "\$16,901,299".
Page 103, line 40, strike "\$4,430,515" and insert "\$11,427,341".
Page 103, line 41, strike "\$450,300,000" and insert "\$457,300,000".
Page 103, line 41, strike "\$455,000,000" and insert "\$462,000,000".
Page 111, line 3, strike "\$450,300,000" and insert \$457,300,000".
Page 111, line 4, strike "\$455,000,000" and insert "\$462,000,000".
Page 113, line 20, strike "\$51,485,788" and insert "\$44,481,483".
Page 113, line 20, strike "\$57,183,150" and insert "\$50,186,324".
Page 113, line 21, strike "\$9,896,994" and insert "\$16,901,299".
Page 113, line 21, strike "\$4,430,515" and insert "\$11,427,341".

Explanation:

(This amendment recognizes additional Lottery proceeds for the purchase of textbooks for all school divisions, thus making available general fund dollars to support other education programs.)

Amendment 28: Add contingency language to Support COCA funding

Item 139

Education: Elementary and Secondary

Direct Aid to Public Education	Language
--------------------------------	----------

Language:

Page 112, after line 36, insert:
"4) Out of this appropriation, \$12,149,125 the second year from the general fund is included to fund a cost-of-competing adjustment (COCA) for support positions. The Department of Education shall not make payments to school divisions from these funds prior to the release of the Joint Legislative Audit and Review Commission's review of the current COCA methodology and determination that the funded rates do not overstate the adjustment needed based on empirical evidence."

Explanation:

(This amendment adds language making the release of funding for the cost-of-competing adjustment (COCA) for support positions contingent on review and evaluation of the JLARC study on the current COCA methodology.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 29: Add language to evaluate the need for a COCA for support positions

Item 139

Education: Elementary and Secondary

Direct Aid to Public Education

Language

Language:

Page 112, after line 36, insert:

"4) In addition to any study conducted by the Joint Legislative Audit and Review Commission (JLARC) to review the cost-of-competing adjustment (COCA) funded in the Standards of Quality, the Secretary of Education, and the Departments of Education and Human Resource Management, shall evaluate the need to fund a COCA for support positions in Northern Virginia provided through Direct Aid to Public Education. This evaluation shall include, but need not be limited to, whether the COCA payments are necessary to attract and retain support positions in Northern Virginia school systems, and if so, which school divisions should be eligible to receive this funding."

Explanation:

(This amendment directs the Secretary of Education, in conjunction with the Departments of Education and Human Resource Management, to evaluate the need for a cost-of-competing adjustment (COCA) for support positions.)

Amendment 30: Exclude one-time block grant allocations from 2016-2018 rebenchmarking

Item 139

Education: Elementary and Secondary

Direct Aid to Public Education

Language

Language:

Page 128, line 39, before "Out" insert "a."

Page 128, after line 42, insert:

"b. For purposes of calculating rebenchmarking costs for the 2016-2018 biennium, the Department of Education shall exclude the one-time division-level amounts funded in the second year as shown in the table below from the calculation of Basic Aid costs."

Explanation:

(This amendment excludes the one-time block grant allocation in the second year from the calculation of rebenchmarking costs for the 2016-2018 biennium. Actual expenditures for fiscal year 2014 will serve as the base for the 2016-2018 biennium.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 31: Provide additional funding for operating costs

Item 164

Education	FY 12-13	FY 13-14
George Mason University	\$500,000	\$500,000 GF

Language:

Page 143, line 24, strike "\$392,383,140" and insert "\$392,883,140".

Page 143, line 24, strike "\$395,654,051" and insert "\$396,154,051".

Explanation:

(This amendment provides funding to support additional operating costs at George Mason University associated with a growing student body and new facilities.)

Amendment 32: Split faculty salary funding between public service and research

Item 228

Education

Virginia Cooperative Extension and
Agricultural Experiment Station

Language:

Page 177, line 14, strike the second "\$35,101,745" and insert "\$35,407,290".

Page 177, line 15, strike "\$43,532,011" and insert "\$43,226,466".

Explanation:

(This amendment reduces the Public Service Program by \$290,268 from the general fund and \$15,277 from nongeneral funds and increases the Research Program by the same amounts to align the faculty salary increase in fiscal year 2014 appropriately between the two programs.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 33: Amend data standards language

Item 260

Finance

Department of Accounts

Language

Language:

Page 193, strike lines 43 through 56 and insert:

"2. Prior to accessing the working capital advance contained in Paragraph B.1. of this Item for the statewide roll-out of Cardinal as the Commonwealth's enterprise financial system, the State Comptroller shall certify to the Auditor of Public Accounts that (i) the standards for vendor accounting information required pursuant to Chapters 758 and 812 of the 2009 Acts of Assembly have been developed by the State Comptroller in partnership with the Department of General Services and the Virginia Information Technologies Agency, (ii) these standards have been incorporated into the design of the Commonwealth's enterprise financial system, and, (iii) to the extent that the State Comptroller has allowed agencies and institutions to use other financial systems, that both Cardinal and those other agencies and institutions have internal control procedures that incorporate industry best practices for a standard vendor database to minimize the risk of improper payments to vendors including, but not limited to, utilization of a single statewide standard vendor database, which allows for the exchange of information so that the Commonwealth can uniformly determine which vendors, goods and services, and other information is necessary to monitor the use of the Commonwealth's resources."

Explanation:

(This amendment requires that prior to accessing the working capital advance necessary for the development of Cardinal as the Commonwealth's financial accounting system that the State Comptroller certify to the Auditor of Public Accounts that the standards for vendor accounting information, which were developed by the State Comptroller, Department of General Services, and the Virginia Information Technologies Agency pursuant to legislation adopted by the General Assembly, have been incorporated into the Cardinal system's design and will be disseminated to other state agencies and institutions to minimize the risk of improper payments to vendors.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 34: Adjust funding levels for debt service

Item 280

Finance

	FY 12-13	FY 13-14
Treasury Board	(\$3,529,444)	\$0 GF

Language:

Page 209, line 11, strike "\$667,141,900" and insert "\$663,612,456".

Page 209, line 35, strike "\$8,410,300" and insert "\$0".

Page 209, line 35, strike "\$8,018,300" and insert "\$0".

Page 209, line 36, strike "\$3,570,288" and insert "\$2,646,000".

Page 209, line 36, strike "\$3,444,288" and insert "\$0".

Page 209, line 37, strike "\$10,093,126" and insert "\$8,964,000".

Page 209, line 37, strike "\$9,665,626" and insert "\$8,536,501".

Page 209, line 39, strike "\$8,003,726" and insert "\$7,424,726".

Page 209, line 39, strike "\$7,694,976" and insert "\$7,115,976".

Page 209, after line 49, insert:

"2012 Refunding \$3,308,850 \$0 \$12,323,850 \$0".

Page 210, line 2, strike "\$114,873,347" and insert "\$107,139,484".

Page 210, line 2, strike "\$106,187,465" and insert "\$105,340,602".

Page 210, line 23, strike "\$17,271,081" and insert "\$14,996,481".

Page 210, line 23, strike "\$17,251,375" and insert "\$14,976,775".

Page 210, line 28, strike "\$6,021,063" and insert "\$4,488,375".

Page 210, line 28, strike "\$6,022,188" and insert "\$4,489,500".

Page 210, after line 48, insert:

"2012 Refunding \$3,262,263 \$0 \$3,474,600 \$0".

Page 210, line 51, strike "\$288,617,682" and insert "\$288,072,657".

Page 210, line 51, strike "\$285,855,345" and insert "\$285,522,657".

Page 211, line 42, strike "\$20,735,000" and insert "\$25,484,444".

Page 211, line 42, strike "\$53,145,692" and insert "\$54,325,243".

Page 211, line 43, strike "\$198,096,000" and insert "\$202,845,444".

Page 211, line 43, strike "\$230,355,730" and insert "\$231,535,281".

Page 211, line 54, strike "\$241,430,340" and insert "\$246,179,784".

Page 211, line 54, strike "\$283,193,985" and insert "\$284,373,536".

Explanation:

(This amendment captures debt service savings from recent refundings of bonds issued by the Virginia Public Building Authority and for general obligation.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 35: Restore audit funding

Item 283

Health & Human Resources	FY 12-13	FY 13-14
Comprehensive Services for At-Risk Youth and Families	\$120,000	\$0 GF

Language:

Page 216, line 10, strike "\$299,808,786" and insert "299,928,786".

Explanation:

(This amendment restores funding for a comprehensive audit of the program.)

Amendment 36: Limit state expenditures for wrap-around services

Item 283

Health & Human Resources
Comprehensive Services for At-Risk Youth and Families

Language:

Page 220, after line 27, insert:

"M. Out of this appropriation, the Director, Office of Comprehensive Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Comprehensive Services Act policy manual. The Secretary of Health and Human Resources shall issue a report detailing an assessment of the effectiveness of such services in placing or maintaining children in least restrictive settings. The report shall be provided to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no later than January 1, 2013."

Explanation:

(This amendment specifies the amount available for non-mandated wrap-around services. A report is required to assess the effectiveness of the services in maintaining children in the least restrictive setting.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 37: Reduce funding for Area Agencies on Aging

Item 284

Health & Human Resources	FY 12-13	FY 13-14
Department for the Aging	(\$1,000,000)	(\$1,500,000) GF

Language:

Page 220, line 39, strike "\$31,569,939" and insert "\$30,569,939".

Page 220, line 39, strike "\$31,683,216" and insert "\$30,183,216".

Page 222, strike lines 9 through 14.

Page 222, line 15, strike "R." and insert "Q.".

Page 222, line 19, strike "S." and insert "R.".

Explanation:

(This amendment eliminates funding that would hold Area Agencies on Aging (AAA) harmless from the impact of changes in AAA allocations resulting from the decennial census.)

Amendment 38: Restore Pharmacy Connect funding

Item 284

Health & Human Resources	FY 12-13	FY 13-14
Department for the Aging	\$107,750	\$215,500 GF

Language:

Page 220, line 39, strike "\$31,569,939" and insert "\$31,677,689".

Page 220, line 39, strike "\$31,683,216" and insert "\$31,898,716".

Page 221, line 40, strike "\$107,750" and insert "\$215,500".

Page 221, line 40, after "the first year", insert "and \$215,500 the second year".

Explanation:

(This amendment restores funding for the Pharmacy Connect program in Southwest Virginia that is administered by Mountain Empire Older Citizens (MEOC), Inc. The introduced budget reduced funding for this grant by 50 percent in FY 2013 and eliminated the funding for FY 2014. The Pharmacy Connect program provides access to free prescription drugs, for adults without drug coverage, from participating pharmaceutical companies.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 39: Restore funding for proton therapy

Item 297

Health & Human Resources	FY 12-13	FY 13-14
Department of Health	\$510,000	\$510,000 GF

Language:

Page 229, line 42, strike "\$14,965,065" and insert "\$15,475,065".

Page 229, line 42, strike "\$11,987,162" and insert "\$12,497,162".

Page 232, line 38, strike "\$1,500,000" and insert "\$2,010,000".

Page 232, line 38, after "the first year" insert "and \$510,000 the second year".

Page 232, line 39, strike "Hampton University Foundation" and insert "Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC".

Explanation:

(This amendment restores general fund support provided in previous years for the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC for innovative cancer treatment. This funding complements the additional state support provided to Virginia Commonwealth University and University of Virginia for cancer research. The amendment also clarifies the recipient's official name.)

Amendment 40: Support Poison Control Centers with motor vehicle registration revenues

Item 297

Health & Human Resources	FY 12-13	FY 13-14
Department of Health	(\$500,000)	\$0 GF
	\$500,000	\$500,000 NGF

Language:

Page 229, line 42, strike "\$11,987,162" and insert "\$12,487,162".

Page 232, line 25, after "the first year" insert "and \$500,000 the second year".

Page 232, line 27, strike "State Health Commissioner" and insert "Secretary of Health and Human Resources".

Page 232, line 27, after "report to the" insert "Governor and".

Page 232, line 28, strike "November" and insert "September".

Page 232, line 29, strike "commissioner" and insert "secretary".

Page 232, line 30, strike "two" and insert "one".

Page 232, line 31, strike "centers" and insert "center".

Explanation:

(This amendment supports two Poison Control Centers with \$500,000 nongeneral fund appropriation from the Emergency Medical Services Program. This amendment also adds language requiring the Secretary of Health and Human Resources to submit a report to assess the level of funding needed to support one center.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 41: Fund FAMIS coverage of legal immigrant children and pregnant women

Item 306

Health & Human Resources	FY 12-13	FY 13-14
Department of Medical Assistance Services	\$166,185	\$227,010 GF
	\$181,034	\$144,747 NGF

Language:

Page 234, line 37, strike "\$147,856,918" and insert "\$148,204,137".

Page 234, line 37, strike "\$153,927,667" and insert "\$154,299,424".

Page 235, line 48, after "include coverage of", insert "children and".

Explanation:

(This amendment provides full funding for coverage of pregnant women and children who are lawfully residing and currently not eligible for Family Access to Medical Insurance Security (FAMIS) program coverage until they have lived in the United States for five years, pursuant to House Bill 183 and Senate Bill 568 passed during the 2012 Session of the General Assembly. The enrolled budget partially funded the cost estimates included in the associated Fiscal Impact Statements. This amendment ensures that the FAMIS program is properly funded. In addition, budget language clarifies that the expanded FAMIS coverage includes children as well as pregnant women.)

Amendment 42: Fund Medicaid coverage for legal immigrant pregnant women

Item 307

Health & Human Resources	FY 12-13	FY 13-14
Department of Medical Assistance Services	\$566,619	\$642,493 GF
	\$566,619	\$642,493 NGF

Language:

Page 235, line 52, strike "\$7,534,394,511" and insert "\$7,535,527,749".

Page 235, line 52, strike "\$9,092,924,812" and insert "\$9,094,209,798".

Explanation:

(This amendment provides full funding for coverage of pregnant women who are lawfully residing and currently not eligible for Medicaid coverage until they have lived in the United States for five years, pursuant to House Bill 183 and Senate Bill 568 passed during the 2012 Session of the General Assembly. The enrolled budget partially funded the cost estimates included in the associated Fiscal Impact Statements. This amendment ensures that the Medicaid program is properly funded.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 43: Increase ambulance rates

Item 307

Health & Human Resources	FY 12-13	FY 13-14
Department of Medical Assistance Services	\$632,319	\$632,319 GF
	\$632,319	\$632,319 NGF

Language:

Page 235, line 52, strike "\$7,534,394,511" and insert "\$7,535,659,149".

Page 235, line 52, strike "\$9,092,924,812" and insert "\$9,094,189,450".

Page 250, line 4, after "Assistance to", strike "increase" and insert "set".

Page 250, line 4, after "rates for", insert "ground and air".

Page 250, line 4, after "emergency transportation", strike "by five percent" and insert "and neonatal transport at 40 percent of the Medicare Virginia urban rates in effect for calendar year 2011.".

Explanation:

(This amendment increases Medicaid rates for emergency transportation services to 40 percent of the Medicare rate. Currently, Medicaid pays about 29 percent of Medicare rates. The General Assembly provided a five percent increase in the rates beginning FY 2013. This action increases the rates further and aligns the rate structure with Medicare. Rates for these services have not been increased in 14 years.)

Amendment 44: Add behavioral health drugs to the Medicaid Preferred Drug List

Item 307

Health & Human Resources	FY 12-13	FY 13-14
Department of Medical Assistance Services	(\$2,100,000)	\$0 GF
	(\$2,100,000)	\$0 NGF

Language:

Page 235, line 52, strike "\$7,534,394,511" and insert "\$7,530,194,511".

Page 239, line 54, after "shall (i)", strike "exempt antidepressant, antianxiety".

Page 239, strike line 55.

Page 239, line 56, strike "Preferred Drug List program through June 30, 2013; (ii)".

Page 240, line 1, strike "(iii)" and insert "(ii)".

Explanation:

(This amendment adds behavioral health drugs to the Medicaid Preferred Drug List (PDL) in FY 2013. The enrolled budget adds these drugs to the PDL beginning FY 2014 and this action adds them a year earlier. The Medicaid PDL promotes the appropriate clinical utilization of drugs in a cost-effective manner and will not impact the ability of clients to use non-preferred drugs with a doctor's justification.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 45: Capture savings from settlement payment

Item 307

Health & Human Resources	FY 12-13	FY 13-14
Department of Medical Assistance Services	(\$3,500,000)	\$0 GF
	\$3,500,000	\$0 NGF

Language:

Page 236, line 46, strike "\$277,909,770" and insert "\$281,409,770".

Explanation:

(This amendment captures additional revenue from a settlement that will be deposited to the Virginia Health Care Fund. The fund is used as state match for Medicaid and any additional revenue offsets general fund support for the program.)

Amendment 46: Eliminate stakeholder advisory committee for dual eligibles

Item 307

Health & Human Resources

Department of Medical Assistance Services	Language
---	----------

Language:

Page 245, line 41, after "Medicaid.", strike "The Director of the".

Page 245, strike lines 42 through 47.

Page 246, strike lines 1 through 2.

Page 246, line 3, strike "blind, and disabled, and dual-eligible populations".

Explanation:

(This amendment eliminates budget language requiring the Department of Medical Assistance Services to establish a stakeholder advisory group to support implementation of a dual-eligible care coordination system. This advisory group is duplicative of work required by the federal Centers for Medicare and Medicaid Services for the dual-eligible demonstration project.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 47: Clarify adoption subsidy eligibility requirements

Item 341

Health & Human Resources

Department of Social Services

Language

Language:

Page 273, after line 34, insert:

"F. Notwithstanding the provisions of §§63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements. This restriction does not apply to existing adoption assistance agreements."

Explanation:

(This amendment clarifies that adoption subsidies and services are only intended to support those children who are at risk of not being placed in a permanent home and in certain situations required by federal law. Current law is unclear and could be interpreted in such a way that any child adopted, even through parental placements, in the Commonwealth would be eligible for subsidies and related services. Without such language the scope of the adoption program could be significantly expanded along with the associated program costs.)

Amendment 48: Support Prince William County residential counseling programs

Item 343

Health & Human Resources

FY 12-13

FY 13-14

Department of Social Services

\$100,000

\$100,000 GF

Language:

Page 273, line 45, strike "\$24,050,789" and insert "\$24,150,789".

Page 273, line 45, strike "\$23,300,789" and insert "\$23,400,789".

Page 275, after line 16, insert:

"J. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to the County of Prince William to establish a pilot program that improves services and performance at facilities located within the county that are licensed residential treatment centers for children eligible for pool funding under the Comprehensive Services Act. The objectives of these grants shall be to assist facilities to improve practices with a goal of implementing a "system of care" model, resulting in placement of children in the least restrictive environment. Desired outcomes shall include, but not be limited to, improved patient scores on the Child and Adolescent Needs and Strengths instrument; and, appropriate lengths of stay based on identified reasons for referral to the facility. Of this amount, up to \$10,000 per year may be retained by Prince William County for grant administration."

Explanation:

(This amendment provides funding for the County of Prince William to establish a pilot program that improves services and performance at facilities located within the county that are licensed residential treatment centers for children eligible for Comprehensive Services Act pool funding.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 49: Allow for the sharing of eligibility information

Item 344

Health & Human Resources

Department of Social Services

Language

Language:

Page 277, after line 13, insert:

"4. Notwithstanding any other provision of state law, for the purpose of providing information technology infrastructure services to support the modernization of eligibility determination systems in the Department of Social Services (DSS) and other activities of the Health and Human Resources (HHR) Health Information Technology/Medicaid Information Technology Architecture program, and to the extent permitted by federal law, the Virginia Information Technologies Agency, directly or through a contractor, shall have the legal authority to access, use, and view data and other records, information and statistical registries maintained by DSS, the Department of Medical Assistance Services (DMAS), and the Department of Motor Vehicles (DMV) as are necessary or useful for the above purpose. DSS, DMAS and DMV are also authorized to provide such data and other records, information and statistical registries to VITA, which shall be described in a Memorandum of Agreement (MOA) between the respective agencies for such purposes. The MOA shall specify the data to be exchanged, security requirements and the permitted use of data that are shared. VITA and its contractor shall hold such data in confidence and implement and maintain all information security safeguards defined in the MOA and required by federal and state laws and policy for the protection of sensitive data. For purposes of state law, including but not limited to the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et. seq.), Titles 63.2 and 32.1 of the Code of Virginia, and related regulations, such data and other records, information and statistical registries exchanged by these agencies are deemed necessary to assist in valid administrative needs in support of the Health and Human Resources eHHR Program. The dissemination of data by DSS, DMAS, DMV and VITA in support of the eHHR program shall not be subject to the notice requirements in § 2.2-3806(A)(2)."

Explanation:

(This amendment provides the Departments of Social Services, Medical Assistance Services and Motor Vehicles with the legal authority, to the extent permitted by federal law, to provide data to the Virginia Information Technologies Agencies (including private contractors) in support of all projects pursued as part of the existing health information technology/Medicaid information technology architecture program within the Secretariat.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 50: Restore funding for legal costs related to environmental regulation

Item 367

Natural Resources	FY 12-13	FY 13-14
Department of Environmental Quality	\$306,500	\$306,500 GF

Language:

Page 289, line 46, strike "\$24,417,833" and insert "24,724,333".

Page 289, line 46, strike " \$23,794,433" and insert "24,100,933".

Page 290, after line 17, insert:

"D. Out of this appropriation, \$306,500 the first year and \$306,500 the second year from the general fund is designated for additional legal costs for enforcement of, and compliance with, environmental regulations and other applicable laws. In the event other agencies have litigation costs associated with the enforcement of environmental regulations and other applicable laws, funding may be transferred with approval from the affected secretaries."

Explanation:

(This amendment restores funding for additional legal costs associated with the enforcement of, and compliance with, environmental regulations.)

Amendment 51: Provide authority to conduct certified audits

Item 372

Natural Resources	Language
Department of Historic Resources	

Language:

Page 292, after line 52, insert:

"J. The Department of Historic Resources is authorized to require applicants for tax credits for historic rehabilitation projects under § 58.1-339.2, Code of Virginia, to provide an audit by a certified public accountant licensed in Virginia, in accordance with guidelines developed by the department in consultation with the Auditor of Public Accounts. The department is also authorized to contract with tax, financial, and other professionals to assist the department with the oversight of historic rehabilitation projects for which tax credits are anticipated."

Explanation:

(This amendment provides authority to the Department of Historic Resources to conduct certified audits in the Historic Rehabilitation Tax Credit Program. This authority is necessary to prevent fraud within the program and to provide further assurance of the integrity of the program.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 52: Remove additional funding for sexually violent predator evaluations

Item 389

Public Safety	FY 12-13	FY 13-14
Department of Corrections	(\$76,231)	(\$115,394) GF
	(2.00)	(2.00) FTE

Language:

Page 302, line 28, strike "\$91,492,884" and insert "\$91,416,653".

Page 302, line 28, strike "\$85,895,621" and insert "\$85,780,227".

Explanation:

(This amendment removes additional funding provided for the projected fiscal impact of House Bill 1271/Senate Bill 314, regarding the evaluation of inmates eligible for consideration for involuntary commitment as sexually violent predators. As finally passed, the legislation is not projected to have a fiscal impact, thereby making the funding unnecessary.)

Amendment 53: Provide aid to town of Boydton

Item 389

Public Safety	FY 12-13	FY 13-14
Department of Corrections	\$200,000	\$100,000 GF

Language:

Page 302, line 28, strike "\$91,492,884" and insert "\$91,692,884".

Page 302, line 28, strike "\$85,895,621" and insert "\$85,995,621".

Page 304, after line 29, insert:

"O. Included in the appropriation for this Item is \$200,000 the first year and \$100,000 the second year from the general fund to provide transitional assistance to the Town of Boydton following the closure of Mecklenburg Correctional Center. The actual amount distributed each year by the Department of Corrections to the town shall be the lesser of (i) the amount provided in this Item for this purpose, or (ii) the amount of revenue received by the town from treatment of wastewater from Mecklenburg Correctional Center in FY 2011 minus the amount of additional revenue for wastewater treatment services received in FY 2013 and FY 2014, respectively, from industrial and commercial customers, including, but not limited to, the new Microsoft data center, compared to revenue received from industrial and commercial customers in FY 2011."

Explanation:

(This amendment provides funding for the town of Boydton to enable it to absorb the loss of wastewater utility revenue from the closed Mecklenburg Correctional Center.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 54: Increase number of authorized positions

Item 420

Public Safety	FY 12-13	FY 13-14
Virginia Parole Board	1.00	1.00 FTE

Language:

Page 321, strike lines 15 through 18.

Explanation:

(This amendment would increase the authorized position level of the Parole Board to accommodate an additional full-time member authorized by the General Assembly. It would also delete language in the budget bill that restricts the membership of the Parole Board to two full-time members.)

Amendment 55: Fund cyber security and modeling/simulation initiatives

Item 423

Technology	FY 12-13	FY 13-14
Innovation and Entrepreneurship Investment Authority	\$1,000,000	\$1,000,000 GF

Language:

Page 322, line 12, strike the first "\$4,926,877" and insert "\$5,926,877".

Page 322, line 12, strike the second "\$4,926,877" and insert "\$5,926,877".

Page 323, strike lines 13 through 16, and insert:

"J. Out of the appropriation for this Item, \$480,000 the first year and \$520,000 the second year from the general fund is provided to support research and outreach activities, as well as foster growth and diversification within the Commonwealth's initiatives in modeling and simulation.

K. Out of the appropriation for this Item, \$520,000 the first year and \$480,000 the second year from the general fund is provided to support and expand the Commonwealth's initiatives in cyber security."

Page 323, line 17, strike "K." and insert "L.".

Explanation:

(This amendment provides funding to expand the Commonwealth's leadership in both cyber security and modeling and simulation. The cyber security program will ensure the Commonwealth remains at the forefront of an essential resource by leading states in federal technology investment, workforce skills, and business-friendly policies. Virginia ranks among the top three states in modeling and simulation and this program will build upon existing initiatives by fostering innovative partnerships in Virginia, leveraging university and industry resources, aligning assets with emerging and expanding outreach activities.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 56: Conform Spaceport funding to legislation

Item 430

Transportation

Secretary of Transportation

Language

Language:

Page 349, line 22, strike "\$7,500,000" and insert "\$9,500,000".

Page 349, line 22, strike "\$7,500,000" and insert "\$9,500,000".

Explanation:

(This amendment conforms funding specified in the enrolled bill to the funding provided in House Bill 813 and Senate Bill 284, as passed by the 2012 General Assembly. The legislation specifies \$9.5 million in Transportation Trust Fund support for the Spaceport, while budget language provides only \$7.5 million.)

Amendment 57: Amend funding source for fast ferry demonstration project

Item 441

Transportation

Department of Rail and Public Transportation

Language

Language:

Page 355, strike lines 29 through 31 and insert:

"F. From the amounts appropriated for experimental transit in the Public Transportation Program, there is hereby provided \$200,000 in the first year for the".

Explanation:

(This amendment alters the funding source for a fast ferry demonstration project in Hampton Roads. This action will ensure funding is immediately available to begin development of this project.)

Amendment 58: Remove exemption for state review of local comprehensive plans

Item 445

Transportation

Department of Transportation

Language

Language:

Page 357, strike line 52.

Page 358, strike lines 1 through 8.

Explanation:

(This amendment removes language which exempted certain local governments from state penalties associated with nonconforming projects in local comprehensive plans following state review. This language was in direct conflict with the provisions of House Bill 1248 and Senate Bill 639, as passed by the 2012 General Assembly.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 59: Provide funding to assist localities affected by BRAC

Item 459

Veterans Affairs and Homeland Security	FY 12-13	FY 13-14
Secretary of Veterans Affairs and Homeland Security	\$7,500,000	\$0 GF

Language:

Page 369, line 3, strike "\$1,368,051" and insert "\$8,868,051".

Page 369, after line 7, insert:

"A.1. Out of the appropriation for this Item, \$7,500,000 the first year from the general fund is included to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC) which were subsequently agreed to by the President and the Congress of the United States. Grants allocated from this appropriation shall be aimed at fostering collaborative efforts among state agencies, local governments and regional entities to address quantifiable costs or impacts resulting from specific actions to implement the recommendations of the BRAC or to protect the Commonwealth's strategic, homeland security, and economic interests in response to such implementation and similar actions. Individual grants may be for either operating or capital expenses but shall be matched by either cash or in-kind contributions. Moreover, no grant shall be used to supplant funding currently provided by other levels of government or by private sources.

2. Notwithstanding 1.B of Chapter 266 of the 2006 Acts of Assembly, any locality in which a United States Navy Master Jet Base is located may use state funds appropriated in paragraph J.1. of this Item and local funds set aside for this purpose and administered by the Office of the Secretary of Veterans Affairs and Homeland Security to mitigate adverse affects on any military operations caused by the encroachment of incompatible land uses. However, state funds shall be used only to mitigate adverse impacts in Accident Potential Zone 1 and Clear Zone areas. On or before November 1 of each fiscal year, the locality shall report to the Chairmen of House Appropriations, Senate Finance Committees, and the Governor on the specific properties purchased and the balance of monies remaining.

3. The Governor shall approve all grants from this appropriation based on a written evaluation of the proposals received. The evaluation shall be prepared by staff from the Office of the Secretary of Veterans Affairs and Homeland Security, the Office of the Secretary of Commerce and Trade, and the Office of the Secretary of Finance, and among other factors, shall consider the significance of the impact being addressed, the likelihood that the proposal will achieve its intended objective, and the amount and type of commitment to match state funds. In allocating state funds, priority shall be given first to any locality in which a United States Navy Master Jet Base is located, and then to proposals which have regional impact. The Governor shall notify the Chairmen of the House Appropriations Committee and the Senate Finance Committee of the recipient and the purpose of each approved grant at least 15 days prior to the actual distribution of funds.

4. All proceeds from the lease, disposal or conveyance of any property acquired through the use of this appropriation, or any prior appropriation for this purpose, shall only be used for additional property acquisition pursuant to Chapter 266 of the 2006 Acts of Assembly."

Explanation:

(This amendment provides funding to assist impacted localities in funding needs associated with the implementation of and response to the recommendations of the 2005 Base Realignment and Closure Commission (BRAC).)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 60: Establish the Fort Monroe Freedom Support Center

Item 462

Veterans Affairs and Homeland Security	FY 12-13	FY 13-14
Department of Veterans Services	\$199,900	\$187,612 GF
	1.00	1.00 FTE

Language:

Page 369, line 26, strike "\$6,704,010" and insert "\$6,903,910".

Page 369, line 26, strike "\$6,704,010" and insert "\$6,891,622".

Page 370, after line 3, insert:

"E. Out of this appropriation, \$199,900 the first year and \$187,612 the second year from the general fund is provided to establish and operate the Fort Monroe Freedom Support Center, a highly collaborative, one-stop service facility for families of deployed military service members, transitioning service members, and veterans, which will include one full-time employee position to operate the center, identifying and connecting these individuals with service organizations that provide various means of assistance."

Explanation:

(This amendment will support the Fort Monroe Freedom Support Center, a highly collaborative, fully engaged, "one-stop" service facility for families of deployed military service members, transitioning service members, and veterans. The center will successfully connect these individuals and families with organizations that can assist with their current circumstances, as well as offer assistance with the next phase of their journey during a transition.)

Amendment 61: Offset costs relating to transition to Payroll Services Bureau

Item 464

Veterans Affairs and Homeland Security	FY 12-13	FY 13-14
Department of Veterans Services	\$94,666	\$0 GF

Language:

Page 370, line 17, strike "\$1,699,348" and insert "\$1,794,014".

Explanation:

(This amendment provides funds in the first year to offset the costs associated with the agency's transition to the Payroll Services Bureau.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 62: Modify language regarding DHRM health insurance program

Item 468

Central Appropriations

Central Appropriations

Language

Language:

Page 374, line 39, after "received" insert "in aggregate".

Page 374, line 39, strike "a pharmaceutical manufacturer" and insert "pharmaceutical manufacturers".

Page 374, line 39, strike "labeler" and insert "labelers".

Explanation:

(This amendment modifies the language to ensure the confidentiality of trade secrets and proprietary financial agreements. The financial information that will be collected will be extremely beneficial to the Commonwealth.)

Amendment 63: Modify provisions related to the three percent one-time employee bonus

Item 468

Central Appropriations

Central Appropriations

Language

Language:

Page 377, strike lines 53 and 54.

Page 378, strike lines 1 through 23 and insert:

"M.1.a. All classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials and employees of higher education institutions, who were employed on January 1, 2012, and remain employed until at least November 24, 2012, shall receive a one-time bonus payment equal to three percent of base pay on November 30, 2012, contingent upon discretionary unspent general fund appropriations recommended by the Governor for reversion at the end of FY 2012, excluding higher education institutions, equaling or exceeding \$69,270,000. In the event that the funds provided for in this paragraph are less than \$69,270,000, such bonus payments shall be prorated to a percent of base pay for the general fund payroll that equates to the amount of discretionary unspent general fund appropriations recommended by the Governor for reversion at the end of FY 2012, excluding higher education institutions. No bonuses, however, shall be paid if the amount of discretionary unspent general fund appropriations recommended by the Governor for reversion at the end of FY 2012, excluding higher education institutions, is less than \$23,090,000. The Secretary of Finance shall certify the balances available and confirm the percentage bonus to be paid by all agencies, including higher education institutions, pursuant to this paragraph.

b. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have not received any written notices under the Standards of Conduct within the preceding twelve-month period, November 24, 2011 to November 24, 2012.

2. For purposes of paying the general fund share of the November 30, 2012, one-time bonus, if the conditions outlined in subparagraph 1 are satisfied, and after meeting all fund balance amounts identified as Restricted under generally accepted accounting principles, the State Comptroller shall report \$46,180,000 in the

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Committed Fund Balance on the Preliminary General Fund Balance Sheet attributable to the bonus prior to reporting any remaining amounts identified as a component of the Committed Fund Balance.

3. Each agency in the Executive Branch is required to generate the savings necessary to pay one-half of the cost of the one-time bonus for its employees by either pledging in advance discretionary unspent general fund appropriations for fiscal year 2012 or by reallocating FY 2013 general fund appropriations.

4. The Director, Department of Planning and Budget, is authorized to administratively increase general fund and nongeneral fund appropriations as required to implement the one-time bonus payment."

Explanation:

(This amendment revises the provisions related to the three percent one-time employee bonus to make technical changes and to make it more performance-based with the source of the bonus coming from agency savings or discretionary unspent balances. Also, discretionary unspent general fund appropriations must be at least 1.5 times the amount of the estimated bonus payments in order to cover the cost of the bonus. A companion amendment would provide for bonuses for employees of higher education institutions.)

Amendment 64: Bonus for employees of higher education institutions

Item 468

Central Appropriations

Central Appropriations

Language

Language:

Page 380, after line 18, insert:

"S.1. All classified and other full-time employees of Virginia public higher education institutions, who were employed on January 1, 2012, and remain employed until at least November 24, 2012, shall be eligible for any bonus authorized by the Governor pursuant to paragraph M of this Item.

2. Each higher education institution is required to generate the savings necessary from nongeneral funds to pay the full cost of any one-time bonus for its employees.

3. The Director, Department of Planning and Budget, is authorized to administratively increase nongeneral fund appropriations as required to implement any one-time bonus payment."

Explanation:

(This amendment provides the three percent bonus for employees of higher education institutions as is provided for all other state employees, requiring that the full cost of the bonus be covered from higher education nongeneral funds.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 65: Increase authorization to use unappropriated balance

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 380, line 27, strike "\$2,000,000" and insert "\$5,000,000".

Explanation:

(This amendment increases from \$2.0 million to \$5.0 million the authorization for the Governor to use the unappropriated balance to supplement the Miscellaneous Contingency Reserve Account. This will provide greater flexibility to address uncertainty related to certain conditions listed in this act, including threats to life, safety, health, and property; unbudgeted and unavoidable cost increases to state agencies; and unanticipated economic development opportunities.)

Amendment 66: Update language for Miscellaneous Contingency Reserve Account

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 381, line 15, strike "\$1,200,000 the first year and \$1,200,000" and insert "\$450,000 the first year and \$450,000".

Explanation:

(This amendment is a technical adjustment to update the dollar amounts referenced in the language related to the Miscellaneous Contingency Reserve Account.)

Amendment 67: Modify provisions related to FACT Fund governance

Item 469

Central Appropriations

Central Appropriations

Language

Language:

Page 382, line 39, strike "Approval" and insert "Advisory".

Page 382, line 44, strike "Health and Human Resources" and insert "Veterans Affairs and Homeland Security".

Page 382, line 47, strike "Approval" and insert "Advisory".

Page 382, line 51, strike "approval" and insert "the recommendation".

Explanation:

(This amendment modifies provisions related to the Federal Action Contingency Trust (FACT) Fund to make it clear that the commission is advisory and revises the Secretaries who will be available to provide technical assistance to the advisory committee.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 68: Eliminate funding for the Education Commission of the States

Item 471

Central Appropriations	FY 12-13	FY 13-14
Central Appropriations	(\$91,800)	\$0 GF

Language:

Page 383, line 32, strike "\$15,143,583" and insert "\$15,235,383".

Page 384, line 6, strike "\$142,000" and insert "\$233,800".

Page 384, line 19, strike "(Second Year Only)".

Explanation:

(This amendment eliminates FY 2013 funding for the Education Commission of the States.)

Amendment 69: Restore funding for the Ohio River Valley Water Sanitation Commission

Item 471

Central Appropriations	FY 12-13	FY 13-14
Central Appropriations	\$48,500	\$48,500 GF

Language:

Page 383, line 32, strike "\$15,143,583" and insert "\$15,095,083".

Page 383, line 32, strike "\$15,802,822" and insert "\$15,754,322".

Page 384, line 6, strike "\$142,000" and insert "\$93,500".

Page 384, line 7, strike "\$233,800" and insert "\$185,300".

Page 384, strike lines 28 and 29.

Explanation:

(This amendment restores funding for Virginia's membership in the Ohio River Valley Water Sanitation Commission (ORSANCO) because membership must be retained until compliance with specific notification requirements are made providing for Virginia to terminate its participation in the commission.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 70: Increased Attorney General costs for reorganization plan

Item 471

Central Appropriations	FY 12-13	FY 13-14
Central Appropriations	\$113,767	\$147,278 GF
	2.00	2.00 FTE

Language:

Page 383, line 32, strike "(\$15,143,583)" and insert "(\$15,029,816)".

Page 383, line 32, strike "(\$15,802,822)" and insert "(\$15,655,544)".

Page 384, line 2, strike "\$1,259,542" and insert "\$1,145,775".

Page 384, line 2, strike "\$2,120,386" and insert "\$1,973,108".

Explanation:

(This amendment revises the estimated savings from the elimination or consolidation of such state agencies, boards, and commissions.)

Amendment 71: Provide language specifying high hazard dams

Item C-33.20

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 405, after line 34, insert:

"1. The Department of Game and Inland Fisheries shall utilize these bond proceeds for repair and replacement of classified high hazard dams. The department shall establish each high hazard dam repair or replacement as a subproject within this project and shall establish a cost code within the Commonwealth Accounting and Reporting System for the recording of expenditures on each subproject."

Page 405, line 35, before "Debt" insert "2."

Explanation:

(This amendment provides language specifying the use of the bond proceeds provided to the Department of Game and Inland Fisheries. The capital project, and the use of the corresponding appropriation, is intended solely to cover costs to repair and replace classified high hazard dams.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 72: Modify medical master plan requirement

Item C-33.50

Public Safety

FY 12-13

FY 13-14

Department of Corrections

\$50,000

\$0 GF

Language:

Page 406, line 4, strike "Master Plan" and insert "Facilities Evaluation".

Page 406, line 4, strike the first "\$0" and insert "\$50,000".

Page 406, strike lines 5 through 7 and insert:

"The Department of Corrections (DOC), in consultation with the Secretary of Public Safety, shall contract for an evaluation of the long-term need of the department for new or additional facilities to provide health care services to inmates, including geriatric medical services. The evaluation shall include an analysis of the comparative costs and benefits of DOC building and operating such facilities itself versus the following alternatives: 1) continuing to rely primarily on outside medical care providers for inpatient care and specialized outpatient care, thereby reducing the need for additional facilities; 2) building the facilities itself, but contracting with a private vendor to operate them; 3) building new facilities and entering into an agreement with Virginia Commonwealth University Health Systems for their operation; and 4) any other alternative that is deemed feasible. The department shall submit its findings and recommendations to the Secretary of Public Safety by November 1, 2012."

Explanation:

(This amendment modifies the proposed medical master plan language by directing the Department of Corrections to contract for an evaluation of the long range need for inmate medical care facilities and to prepare a cost-benefit comparison of various alternative ways of delivering health care services to inmates. This type of evaluation should be conducted prior to developing a master plan for a new facility to ensure the most cost-effective approach is taken for addressing inmate health care needs.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 73: Convey Mecklenburg Correctional Center to county

Item C-33.60

Public Safety

Department of Corrections

Language

Language:

Page 406, strike lines 8 through 11 and insert:

"C-33.60. A. The Department of Corrections (DOC) may, with the approval of the Governor, and without requiring any monetary consideration from the County of Mecklenburg, grant and convey, by quitclaim deed, the entire tract of real property, with all improvements thereon, now or formerly known as the Mecklenburg Correctional Center, originally containing 189.805 acres, more or less, to the County of Mecklenburg, Virginia. The form of the deed shall be approved by the Office of Attorney General. Any such conveyance shall be subject to the prior acceptance by the county of the terms and conditions set forth in provisions B. and C., below.

B. If the county chooses to keep the existing firing range on the property open for its use, DOC may continue to access the range for training purposes provided that DOC enters into an agreement with the county to construct, at DOC's expense, any additional berms that may be needed. If the county chooses to close the existing firing range, the county shall be responsible for all costs of such closure, including all costs of permitting, remediation and environmental compliance actions.

C. Subject to appropriations of sufficient funding in DOC's budget, DOC may demolish prison structures on the property which are designated by the county and shall remove and properly dispose of all demolition debris. In doing so, DOC shall, to the maximum extent feasible, use inmate labor. In accordance with state regulations and guidelines, DOC shall be entitled to sell all salvageable or recyclable materials from any such demolition work and to use the proceeds therefrom to help defray the costs of demolition and clearing work. Except with regard to any environmental contamination within prison buildings or facilities being demolished, the county shall be responsible for the remediation of any and all environmental contamination on, in or about the property, including the costs of any environmental compliance actions."

Explanation:

(This amendment clarifies language directing the Department of Corrections to transfer back to Mecklenburg County the property on which the Mecklenburg Correctional Center was located before it closed and adds language requiring that, as a condition of the transfer, the county assume responsibility for any needed environmental remediation or compliance actions. The language allows the agency to demolish any buildings designated by the county and to clear the site.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 74: Replace windows at Virginia Correctional Center for Women

Item C-33.70

Public Safety

Department of Corrections

Language

Language:

Page 406, after line 11, insert:

"C-33.70 A. There is hereby established a capital project for the Department of Corrections entitled, "Improvements: Replace windows and install mechanical equipment, VCCW (17972)". Furthermore, it is hereby authorized that unutilized Virginia Public Building Authority bond authorization and appropriation be transferred to this project from the following capital projects in the amounts listed:

Project No.	Amount
16732	\$3,179,000
17776	\$1,200,000
17620	\$169,300
17612	\$100,000
16991	\$37,000
16431	\$34,800
16106	\$17,500

B. The Director, Department of Planning and Budget, is authorized to transfer general fund appropriation from the following projects in the amounts shown to this new project: 16110--\$250,000 and 16106--\$13,500."

Explanation:

(This amendment establishes a new capital project for the Department of Corrections (DOC) to replace the windows at the Virginia Correctional Center for Women (VCCW) and to install mechanical equipment at that facility using authorization from other DOC projects. The amendment authorizes the transfer of existing Virginia Public Building Authority bond authorization and appropriation from other DOC capital projects to this new project, as well as the transfer of existing general fund appropriation from other DOC capital projects. This capital project is the highest priority of the Department of Corrections due to the life/health/safety, maintenance, and security issues resulting from the deterioration of the windows at VCCW.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 75: Direct unutilized bond authorization to new capital projects

Item C-38.10

Central Appropriations	FY 12-13	FY 13-14
Central Capital Outlay	(\$19,500,000)	\$0 GF
	(\$10,700,000)	\$0 NGF

Language:

Page 410, line 47, strike "\$73,368,856" and insert "\$62,668,856".

Page 411, line 5, after "appropriates", strike "\$19,500,000 from the general fund and".

Page 411, after line 56, insert:

"C. Notwithstanding any other provision of law, the Director, Department of Planning and Budget, shall transfer \$30,200,000 of the amount appropriated in Chapter 890, 2011 Acts of Assembly, for project 17862 (Improvements: Energy Conservation) for the projects stated in paragraph B of this item."

Explanation:

(This amendment transfers a portion of the \$35.2 million of Virginia Public Building Authority (VPBA) bonding authority provided for energy conservation projects in Item C-86 of Chapter 890, 2011 Acts of Assembly, to projects in the capital outlay project pool specified in this Item. There are currently no active projects under consideration for the original bond authorization in Item C-86 and many of the new projects in this project pool will be able to better use this bond authorization because they either directly or indirectly enhance energy efficiency. The net effect of this transfer will be to reduce authorized tax-supported debt of the Commonwealth by \$10.7 million while better utilizing a portion of the current level of authorized tax-supported debt for energy conservation.)

Amendment 76: Sale or construction of Workers' Compensation Commission headquarters

Item C-38.10

Central Appropriations

Central Capital Outlay	Language
------------------------	----------

Language:

Page 411, after line 56, insert:

"C. The Department of General Services, with the cooperation and support of the Workers' Compensation Commission, is hereby directed to manage acquisition or to construct a new headquarters facility for the commission out of such funds as are appropriated for such purposes. If construction is the most suitable alternative, the department shall undertake design and construction of the facility as well as acquisition of any land required for such construction. Upon completion of the new facility, the department shall sell the existing headquarters facility located at 1000 DMV Drive in Richmond, Virginia after first considering needs of the Commonwealth and other state departments, agencies and institutions."

Explanation:

(This amendment directs the Department of General Services to work with the Workers' Compensation Commission on the sale and/or construction of a new headquarters building. This language ensures the property at 1000 DMV Drive is adequately utilized and/or disposed of by the Commonwealth.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 77: Provide planning funding for SWHEC Academic Building

Item C-39.05

Central Appropriations	FY 12-13	FY 13-14
Central Capital Outlay	\$250,000	\$0 GF

Language:

Page 412, line 1, strike "\$41,493,729" and insert "\$41,743,729".

Page 412, line 5, after "Virginia" insert "and any general funds provided".

Page 412, after line 14, insert "948 Southwest Virginia Higher Education Center Construct Academic Building".

Explanation:

(This amendment provides funding for planning the construction of an academic building at Southwest Virginia Higher Education Center.)

Amendment 78: Add VMI Corps Physical Training Facilities Phase II to planning list

Item C-39.05

Central Appropriations

Central Capital Outlay	Language
------------------------	----------

Language:

Page 413, line 6, after "Phase I", insert "and Phase II".

Explanation:

(This amendment includes the Virginia Military Institute's Corps Physical Training Facilities, Phase II, capital request in the list of projects authorized to utilize nongeneral funds to complete detailed planning of this facility. Phase II planning needs to be done in conjunction with Phase I planning for this project which is already incorporated in the authorized project list.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 79: Authorize capital leases for Department of Corrections

Item C-39.10

Central Appropriations

Central Capital Outlay

Language

Language:

Page 414, after line 22, insert:

"C. The Department of Corrections is authorized to enter into capital leases to acquire facilities to house district probation and parole offices in Richmond and Virginia Beach. The costs of the capital leases shall be paid from the agency's operating appropriation."

Explanation:

(This amendment authorizes the Department of Corrections to enter into capital leases to acquire facilities to house district probation and parole district offices in Richmond and Virginia Beach.)

Amendment 80: Authorize capital lease for Culpeper customer service center

Item C-39.10

Central Appropriations

Central Capital Outlay

Language

Language:

Page 414, after line 22, insert:

"C. The Department of General Services, on behalf of the Department of Motor Vehicles, is hereby authorized to enter a capital lease for construction of a customer service center to replace the existing facility in Culpeper, Virginia."

Explanation:

(This amendment provides authority for the Division of Real Estate Services to negotiate a capital lease for replacement of the existing Department of Motor Vehicles facility in Culpeper.)

Amendment 81: Adjust Lottery Proceeds Fund transfer amount

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 419, line 6, strike "\$450,300,000" and insert "\$457,300,000".

Page 419, line 6, strike "\$455,000,000" and insert "\$462,000,000".

Explanation:

(This amendment increases the amount of the transfer to the Lottery Proceeds Fund in FY 2013 and FY 2014 by \$7.0 million in each year based on anticipated increased revenues as certified by the Lottery Board.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 82: Capture revenue from the sale of property to Dominion Virginia Power

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 421, after line 50, insert:

"LL. The Department of General Services is authorized to sell to Virginia Electric and Power Company, a Virginia corporation d/b/a Dominion Virginia Power, for such consideration as the Governor may approve, a parcel of land containing 2.84 acres, more or less, together with access thereto and any easements as may be necessary for construction and operation of an electric power substation. The property is located in the northwest quadrant of the lands in possession of the Department of General Services at 2400 West Leigh Street in Richmond, Virginia and occupied by the Office of Fleet Management Services. Notwithstanding the provisions of § 2.2-1156, the proceeds of the sale, after deduction of expenses of the sale and deductions for such cost as may be approved by the Governor for improvements to the remaining property needed to accommodate the sale to Dominion Virginia Power, shall be deposited to the general fund."

Explanation:

(This amendment allows and captures revenue from the fair market value sale of Commonwealth property to Dominion Virginia Power for the construction of a new substation to support the increased electrical demand that has resulted from the expansion of the Virginia Commonwealth University campus. The land is part of a parcel currently used to facilitate the Department of General Service's fleet management operations, and the remaining land, not part of the parcel to be sold, will be reconfigured for fleet management operations use.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 83: Transfer cash balances to the Virginia Land Conservation Fund

Item 3-1.01

Transfers

Interfund Transfers

Language

Language:

Page 421, after line 50, insert:

LL. The Comptroller shall transfer balances from the Foundation for Virginia's Natural Resources Trust Fund to the Virginia Land Conservation Fund to promote environmental education, pollution prevention, and citizen monitoring by fostering and supporting collaborative efforts among businesses, citizens, communities, local governments, and state agencies.

Explanation:

(This amendment provides for the transfer of cash from the Virginia's Natural Resources Trust Fund to the Virginia Land Conservation Fund managed by the Virginia Land Conservation Foundation. Included in the recommendations of the reform commission is the elimination of the Foundation for Virginia's Natural Resources. Any cash that remains in the Virginia Natural Resources Trust Fund at the end of FY 2012 will be deposited to the Virginia Land Conservation Fund and used to promote environmental education, pollution prevention, and citizen monitoring by fostering and supporting collaborative efforts among businesses, citizens, communities, local governments, and state agencies.)

Amendment 84: Adjust Qualified Equity and Subordinated Debt Investments Tax Credit cap

Item 3-6.04

Adjustments and Modifications to Fees

Qualified Equity and Subordinated Debt

Investments Tax Credit

Language

Language:

Page 430, line 24, after "2011," insert "and before December 31, 2011,".

Page 430, line 25, after "\$3,000,000." insert:

"For taxable years beginning on and after January 1, 2012, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under §58.1-339.4, Code of Virginia, shall be limited to \$4,000,000."

Explanation:

(This amendment raises the annual cap on the Qualified Equity and Subordinated Debt Investments Tax Credit to \$4.0 million.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 85: Modify language directing local fines and fees to the State Treasury

Item 3-6.05

Adjustments and Modifications to Fees

Deposit of Fines and Fees

Language

Language:

Page 430, line 28, strike "40" and insert "50".

Page 430, line 30, strike "40" and insert "50".

Page 430, after line 36, insert:

"C.1. The Office of the State Inspector General shall contract for an independent evaluation of the type of court fines and fees currently collected by Virginia state and local governments and the effect of the implementation of the provisions in paragraphs A and B of this section on such collections. This evaluation shall also determine among other things: 1) the magnitude of the court fines and fees collected by each source; 2) the distribution or uses of such fines and fees by each type; 3) factors influencing the determination of the application of specific court fines and fees and the ability within the current system to substitute or switch one such court fine or fee for another; 4) the impact of the flexibility in application of such court fines or fees, as determined previously in number 3, on deposits to the Literacy Fund over time; and 5) recommendations for improving the present system to better account for the individual types of court fines and fees collected and to align such collections with the assigned or statutory responsibilities of Virginia state and local governments, taking into account the constitutional requirements governing the deposit of court fines into the Literacy Fund for public school purposes.

2. All agencies within the legislative, judicial, and executive departments, as well as local government offices, shall assist the Office of the State Inspector General and its contractor in providing information and data necessary to complete this evaluation. The Office of the State Inspector General shall provide an interim report on the findings of this evaluation to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees by December 1, 2012. There is hereby transferred from the general fund an amount not to exceed \$200,000 in the first year to a special fund to be established in the Office of the State Inspector General to conduct this independent evaluation."

Explanation:

(This amendment modifies language that provides for the deposit into the Literacy Fund of one-half of all fines and fees collected at the local level pursuant to the enforcement of local ordinances, which are in excess of 40 percent of the combined total of local and state collections, by changing the 40 percent to 50 percent. It also provides \$200,000 for the Office of the State Inspector General to contract for an evaluation of the collection systems of court fines and fees, including the types of court fines and fees collected, and the distribution or uses of such court fines and fees.)

Governor's 2012 Special Session I Executive Amendments (HB 1301)

Amendment 86: Remove restriction on use of general fund surplus for transportation

Item 4-5.11

Special Conditions and Restrictions on Expenditures

Assignment of General Fund For Nonrecurring Expenditures

Language

Language:

Page 460, strike lines 27 through 33.

Explanation:

(This amendment would allow the amount of any general fund year-end surplus assigned for nonrecurring expenditures to be used for transportation projects consistent with Chapters 729 and 733 of the 2012 Acts of Assembly.)

Amendment 87: Require elected officials to pay the five percent VRS employee share

Item 4-6.03

Positions and Employment

Employee Benefits

Language

Language:

Page 471, line 5, after “j.” insert “1.”.

Page 471, line 6, after “salary reduction basis,” add “(i)”.

Page 471, line 6, after “shall”, strike “not” and insert “first”.

Page 471, line 6, after “apply to any”, strike “(i)”.

Page 471, line 7, after “elected official”, strike “, or” and insert “and who is not a “person who becomes a member on or after July 1, 2010,” as defined in § 51.1-124.3, Code of Virginia, at the same time as the effective date of the increase in base salary described in subparagraph j.2, and”.

Page 471, line 7, after “(ii)”, insert “shall not apply to any”.

Page 471, after line 9, insert:

“2. Notwithstanding any other provision of law, the base salary of any “state employee,” as defined in § 51.1-124.3, Code of Virginia, who is an elected official and who is not a “person who becomes a member on or after July 1, 2010,” as defined in § 51.1-124.3, Code of Virginia, shall be increased by five percent effective as soon as permitted under the Constitution of Virginia.”

Explanation:

(This amendment would require Plan 1 elected officials to pay the five percent VRS employee contribution, such payment to coincide with the effective date of a corresponding five percent salary increase that would be implemented as soon as the Plan 1 member takes office either after being re-elected or elected for the first time after the effective date of this act. The effective dates for this amendment would be January 8, 2014, for Plan 1 House of Delegates members, January 11, 2014, for the Governor, Lieutenant Governor, and Attorney General, assuming they are in Plan 1, and January 13, 2016, for Plan 1 Senate members. (The effective date for any Plan 1 member elected by special election could be sooner.) The intent of this amendment is to treat elected officials like other Plan 1 state employees, who in FY 2012 began paying the five percent VRS employee contribution and received a corresponding five percent salary increase.)

Amendment 88: Create a Port of Virginia Economic and Infrastructure Development Grant

Item 4-15.00

Additional Enactments

Additional Enactments

Language

Language:

Page 481, after line 20, insert:

"3. That the Code of Virginia is amended by adding section 62.1-132.3:2, relating to the Virginia Port Authority and promotion of the ports of Virginia, as follows:

A. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, and any funds transferred at the request of the Executive Director from the Port Opportunity Fund created pursuant to § 62.1-132.3:1, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Port of Virginia Economic and Infrastructure Development Zone Grant Fund (the Fund), to be administered by the Virginia Port Authority. The Fund shall be established on the books of the Comptroller. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director. Moneys in the Fund shall be used solely for the purpose of grants to qualified applicants to the Port of Virginia Economic and Infrastructure Development Zone Grant Program.

B. The Virginia General Assembly does hereby designate the following localities to be part of the Port of Virginia Economic and Infrastructure Development Zone: the Counties of Brunswick, Chesterfield, Charles City, Clarke, Dinwiddie, Frederick, Gloucester, Greensville, Henrico, Hanover, Isle of Wight, James City, Mecklenburg, Montgomery, New Kent, Prince George, Southampton, Surry, Sussex, Warren, and York; and the Cities of Chesapeake, Colonial Heights, Emporia, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, Williamsburg, and Winchester.

C. As used in this section, unless the context requires a different meaning:

“New, permanent full-time position” means a job of an indefinite duration, created by a qualified company as a result of operations within the Zone, requiring a minimum of 35 hours of an employee’s time per week for the entire normal year of the company’s operations, which normal year shall consist of at least 48 weeks, or a position of indefinite duration that requires a minimum of 35 hours of an employee’s time per week for the portion of the taxable year in which the employee was initially hired for the qualified company’s location within the Zone. Seasonal or temporary positions, or jobs created when a position is shifted from an existing location in the Commonwealth to the qualified company’s location within the Zone, and positions in building and grounds maintenance, security, and other positions that are ancillary to the principal activities performed by the employees at the qualified company’s location within the Zone shall not qualify as new, permanent full-time positions.

“Qualified company” means a corporation, limited liability company, partnership, joint, venture, or other business entity that (i) locates or expands a facility within the Zone; (ii) creates at least 25 new, permanent full-time positions for qualified full-time employees at a facility within the Zone during its first year of operation within the Zone or during the year when the expansion occurs; (iii) is involved in maritime commerce or exports or imports manufactured goods through the Port of Virginia; and (iv) is engaged in one or more of the following: the distribution, freight forwarding, freight handling, goods processing, manufacturing, warehousing,

Governor's 2012 Special Session I Executive Amendments (HB 1301)

crossdocking, transloading, or wholesaling of goods exported and imported through the Port of Virginia; ship building and ship repair; dredging; marine construction; or offshore energy exploration or extraction.

“Qualified full-time employee” means an employee filling a new, permanent full-time position in the qualified company’s location within the Zone. A “qualified full-time employee” does not include an employee (i) for whom a tax credit was previously earned pursuant to §§ 58.1-439 or 58.1-439.12:06 by a related party as defined in § 267(b) of the Internal Revenue Code or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code; (ii) who was previously employed in the same job function at an existing location in Virginia by a related party as defined in § 267(b) of the Internal Revenue Code; or (iii) whose job function was previously performed at a different location in Virginia by an employee of a related party as defined in § 267(b) of the Internal Revenue Code or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code.

“Zone” means the Port of Virginia Economic and Infrastructure Development Zone.

D. Beginning January 1, 2013, but not later than June 30, 2020, and subject to appropriation, any qualified company that locates or expands a facility within the Port of Virginia Economic and Infrastructure Development Zone shall be eligible to apply for a one-time grant from the Fund, in an amount determined as follows:

1. One thousand dollars per new, permanent full-time position if the qualified company creates at least 25 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs;
2. Fifteen hundred dollars per new, permanent full-time position if the qualified company creates at least 50 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs;
3. Two thousand dollars per new, permanent full-time position if the qualified company creates at least 75 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs; and
4. Three thousand dollars per new, permanent full-time position if the qualified company creates at least 100 new, permanent full-time positions for qualified full-time employees during its first year of operation within the Zone or during the year in which the expansion occurs.

E. The maximum amount of grant allowable per qualified company in any given fiscal year is \$500,000. The maximum amount of grants allowable among all qualified companies in any given fiscal year is \$5,000,000.

F. To qualify for a grant pursuant to this section, a qualified company must apply for the grant not later than March 31 in the year immediately following the location or expansion of a facility within the Zone pursuant to an application process developed by the Virginia Port Authority. Within 90 days after the filing deadline, the Executive Director shall certify to the Comptroller and the qualified company the amount of grant to which the qualified company is entitled under this section. Payment of each grant shall be made by check issued by the Treasurer of Virginia on warrant of the Comptroller within 60 days of such certification and in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund or \$5,000,000, such grants paid in the next fiscal year in which funds are available.

G. Prior to receipt of a grant, the qualified company shall enter into a memorandum of understanding with the Virginia Port Authority establishing the requirements for maintaining the number of new, permanent full-time positions for qualified employees at the qualified company’s location within the Zone. If the number of new, permanent full-time positions for any of the three years immediately following receipt of a grant falls below the number of new, permanent full-time positions created during the year for which the grant is claimed, the amount of the grant must be recalculated using the decreased number of new, permanent full-time positions and the qualified company shall repay the difference.

Governor's 2012 Special Session I Executive Amendments (HB 1301)

H. No qualified company shall apply for a grant nor shall one be awarded under this section to an otherwise qualified company if (i) a credit pursuant to §§ 58.1-439 or 58.1-439.12:06 is claimed for the same employees or for capital expenditures at the same facility by the qualified company, by a related party as defined in § 267(b) of the Internal Revenue Code, or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code or (ii) the qualified company was a party to a reorganization as defined in § 368(b) of the Internal Revenue Code, and any corporation involved in the reorganization as defined in §368(a) of the Internal Revenue Code previously received a grant under this section for the same facility or operations.

I. The Virginia Port Authority, with the assistance of the Virginia Economic Development Partnership, shall develop guidelines establishing procedures and requirements for qualifying for the grant, including the affirmative determination that each applicant is a qualified company, as defined above, engaged in a port-related business. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.)."

Page 481, line 21, strike "3" insert: "4".

Page 481, line 22, after "second", strike "enactment" and insert "and third enactments".

Explanation:

(This amendment creates a grant program to incentivize companies to locate new maritime-related employment centers or expand existing centers in specified localities in order to encourage and facilitate the growth of the Port of Virginia.)
