

**Supplemental Amendments Offered to HB 1300 and HB 1301**

Amend. No.	General Funds	Sources	HB 1300	FY 2013	HB 1301	Biennial
			FY 2012	FY 2013	FY 2014	
470 #3s	CA: Reduce FACT Fund from \$30m to \$20m		\$10,000,000	\$0	\$0	\$0
473 #3s	EDIP: Governor's Opportunity Fund Balance		11,000,000	0	0	0
473 #3s	EDIP: Va. Jobs Investment Programs Balance		1,500,000	0	0	0
59 #3s	AG: Fund UVA Legal Defense Expenses		0	576,000	0	576,000
144 #1s	SCHEV: Transfer Grant Increase (Bill failed)		0	1,300,000	1,300,000	2,600,000
144 #2s	SCHEV: Commonwealth Tolling Assistance (Drop)		0	250,000	750,000	1,000,000
280 #5s	Treasury Board: Increase Out-of-State capital fee		0	2,667,555	2,667,555	5,335,110
280 #6s	Treasury Board: Interest Rate Savings		0	1,200,000	3,000,000	4,200,000
385 #1s	DOC: SURE SB 111 (Bill failed)		0	924,288	924,288	1,848,576
105 #10s	EDIP: Reduce Motion Picture Opportunity Fund		0	1,500,000	1,500,000	3,000,000
105 #1s	EDIP: M&T Grant Fund (Bill failed)		0	3,000,000	3,000,000	6,000,000
388 #8s	DOC: Woodrum Fund - use for DOC operating		0	6,211,576	0	6,211,576
411 #1s	DMA: Va. Guard Tuition Grant (Bill failed)		0	485,000	485,000	970,000
469 #5s	CA: VITA Savings		0	2,000,000	2,000,000	4,000,000
469 #6s	CA: Eliminate FY 2014 FACT Fund		0	0	20,000,000	20,000,000
472.10 #1s	CA: Redirect Mortgage Servicing Settlement		0	65,900,000	0	65,900,000
<b>Grand Total, Sources</b>			<b>\$22,500,000</b>	<b>\$86,014,419</b>	<b>\$35,626,843</b>	<b>\$121,641,262</b>

**Subtotal, Sources** **\$86,014,419** **\$35,626,843** **\$121,641,262**  
**Grand Total, Sources** **\$144,141,262**

Amend. No.	Uses	HB 1300	FY 2013	HB 1301	Biennial
		FY 2012	FY 2013	FY 2014	
108 #3s	DHCD: Capitalize Housing Trust Fund	\$0	\$10,000,000	\$0	\$10,000,000
139 #18s	K-12: Cost of Competing	0	0	18,505,271	18,505,271
139 #19s	K-12: Inflation	0	7,966,479	53,152,277	61,118,756
139 #20s	K-12: Pre-K Restore Methodology	0	3,939,795	4,552,209	8,492,004
195 #6s	UVA: Reimburse Legal Defense Expenses	0	576,000	0	576,000
253 #2s	Higher Ed Research: Hampton Univ Proton Therapy Project	0	3,000,000	3,000,000	6,000,000
297 #9s	DOH: Teen Pregnancy Prevention in High Risk Areas	0	455,000	455,000	910,000
297 #10s	DOH: Restore funding for Poison Control Centers	0	1,600,000	1,600,000	3,200,000
307 #24s	DMAS: Nursing Home Medicaid Eligibility	0	0	18,217,758	18,217,758
307 #25s	DMAS: Increase Medicaid Personal Care Assistant Rates	0	3,187,405	3,527,562	6,714,967
330 #5s	DRS: Employment Support Services for Disabled	0	435,000	435,000	870,000
337 #1s	DSS: At-Risk Child Care Subsidies	0	2,400,000	2,400,000	4,800,000
450 #2s	VDOT: Toll Mitigation - Dulles Metro Phase II		NGF	NGF	
450 #3s	VDOT: Toll Mitigation - MLK Downtown Midtown		NGF	NGF	
469 #4s	CA: Provide Coverage for Ultrasounds	0	1,567,944	1,567,944	3,135,888
4-14.00 #2s	Part V: Index Motor Fuels Tax to PPI		Language		
<b>Grand Total, Uses</b>		<b>\$0</b>	<b>\$35,127,623</b>	<b>\$107,413,021</b>	<b>\$142,540,644</b>

**Subtotal, Uses** **\$35,127,623** **\$107,413,021** **\$142,540,644**

**HB 1300**

# Substitute Amendment for Item 470 #1s

Chief Patron:

Item 470 #3s

**Central Appropriations**  
Central Appropriations

Language

**Language:**

Page 160, strike lines 53 and 54 and insert:

“K.1. Out of the appropriation for this item, \$20,000,000 the second year from the general fund is provided to capitalize a reserve to be known as the Federal Action Contingency Trust (FACT) Fund. The Governor is authorized to distribute amounts from this reserve to mitigate or address a variety of negative impacts of federal fiscal actions on the Commonwealth. Although not specifically limited to the following, the Governor may use this reserve to address the replacement of losses of direct federal grant funding, to provide incentives to retain or consolidate federal facilities in Virginia, to address federal tax policy changes from conformity that are deemed undesirable, and to assist businesses impacted by the cutback of federal procurement or defense contracts in obtaining new alternative customers.

2. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The committee shall consist of six legislative members appointed by the Joint Rules Committee one of which shall be from the Senate at large, and one of which shall be from the House at large, and two members of the Senate Committee on Finance and two members from the House Appropriations Committee. The secretaries of Commerce and Trade and Finance shall also serve as members of the advisory committee.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, the Governor shall consult with the advisory committee regarding the purpose of any proposed distribution and seek the advisory committee’s guidance. The advisory committee shall respond to the Governor within five days after receiving a proposal from the Governor indicating their guidance to him about the proposed distribution. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve having previously received guidance from the advisory committee.

Page 161, strike line 1.

**Explanation:**

## **Substitute Amendment for Item 470 #1s**

(This amendment reduces the appropriation and modifies language authorizing the Federal Action Contingency Trust (FACT) Fund in order to establish criteria for use of the funding as well as to establish an advisory committee.)

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# If Item 470 #3s is Approved: Reject this Amendment

Item 470 #1s

**Central Appropriations**  
Central Appropriations

Language

**Language:**

Page 160, strike lines 53 and 54 and insert:

“K.1. Out of the appropriation for this item, \$30,000,000 the second year from the general fund is provided to capitalize a reserve to be known as the Federal Action Contingency Trust (FACT) Fund. The Governor is authorized to distribute amounts from this reserve to mitigate or address a variety of negative impacts of federal fiscal actions on the Commonwealth. Although not specifically limited to the following, the Governor may use this reserve to address the replacement of losses of direct federal grant funding, to provide incentives to retain or consolidate federal facilities in Virginia, to address federal tax policy changes from conformity that are deemed undesirable, and to assist businesses impacted by the cutback of federal procurement or defense contracts in obtaining new alternative customers.

2. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The committee shall consist of six legislative members appointed by the Joint Rules Committee one of which shall be from the Senate at large, and one of which shall be from the House at large, and two members of the Senate Committee on Finance and two members from the House Appropriations Committee. The secretaries of Commerce and Trade and Finance shall also serve as members of the advisory committee.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, the Governor shall consult with the advisory committee regarding the purpose of any proposed distribution and seek the advisory committee’s guidance. The advisory committee shall respond to the Governor within five days after receiving a proposal from the Governor indicating their guidance to him about the proposed distribution. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve having previously received guidance from the advisory committee.

4. If the U.S. Congress substantially delays or amends the automatic \$1.2 trillion in federal budget reductions scheduled to take effect in January 2013 pursuant to the Budget Control Act of 2011; and, the Governor and the advisory committee

## **If Item 470 #3s is Approved: Reject this Amendment**

determines that the result of any such action will not significantly impact the Commonwealth's revenues, certain contingent appropriations as identified in Item 105 of Senate Bill 30 (2012) shall be provided from the Federal Action Contingency Trust (FACT) Fund."

Page 161, strike line 1.

### **Explanation:**

(This amendment modifies language authorizing the Federal Action Contingency Trust (FACT) Fund in order to establish criteria for use of the funding as well as to establish an advisory committee.)

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Chief Patron:

Item 473 #3s

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 161, after line 49, insert:

"G. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize the reversion to the general fund the amount of \$1,500,000 representing savings from fiscal year 2011 year end balances from program 534 in Item 98.

H. The Director of the Department of Planning and Budget shall, on or before June 30, 2012, authorize the reversion to the general fund the amount of \$11,000,000 representing savings from fiscal year 2011 year end balances from Paragraph B in Item 96."

**Explanation:**

(This amendment transfer FY 2011 year end balances from the Virginia Jobs Investment Program and the Governor's Opportunity Fund to the general fund.)

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**HB 1301**

Chief Patron:

Item 59 #3s

<b>Executive Offices</b>	<b>FY 12-13</b>	<b>FY 13-14</b>
Attorney General And Department Of Law	(\$576,000)	\$0 GF

**Language:**

Page 34, line 18, strike "\$26,570,363" and insert "\$25,994,363".

**Explanation:**

(This amendment reduces the appropriation for the Office of the Attorney General by \$576,000 GF the first year. A companion amendment to Item 195 provides this amount to the University of Virginia to reimburse the University for the costs incurred in defending itself against a lawsuit filed by the Attorney General.)

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# Reject: Bill Failed

Item 105 #1s

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

## Language:

Page 71, line 39, strike "\$69,861,384" and insert "\$72,861,384".

Page 71, line 39, strike "\$65,108,594" and insert "\$68,108,594".

Page 75, after line 16, insert:

"O. Included in this appropriation is \$3,000,000 the first year and \$3,000,000 the second year from the general fund to be deposited into the Machinery and Tools Investment Grant Fund established pursuant to Senate Bill 549 (2012). The guidelines developed by the Comptroller for implementation of the fund shall include a requirement that any person who receives a grant from the fund, as a condition of said grant, shall forfeit any right to appeal the assessment of local taxation imposed pursuant to § 58.1-3507, Code of Virginia for the machinery or tools for which the grant is received. The guidelines shall also require that for machinery and tools to be eligible for a grant from the fund, said machinery and tools must be purchased, owned and placed in service or use by the eligible person."

## Explanation:

(This amendment provides funding to capitalize the Machinery and Tools Investment Grant Fund created pursuant to Senate Bill 549.)

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# Substitute Amendment for Item 105 #5s

Chief Patron:

Item 105 #8s

<b>Commerce And Trade</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Economic Development Incentive Payments	(\$2,000,000)	(\$2,000,000)	GF

**Language:**

Page 71, line 39, strike "\$69,861,384" and insert "\$67,861,384".

Page 71, line 39, strike "\$65,108,594" and insert "\$63,108,594".

Page 74, strike line 22 through line 35.

**Explanation:**

(This amendment eliminates a proposed advanced manufacturing initiative.)

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# If Item 105 #8s is Approved: Reject this Amendment

Item 105 #5s

<b>Commerce And Trade</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Economic Development Incentive Payments	(\$2,000,000)	(\$2,000,000)	GF

## **Language:**

Page 71, line 39, strike "\$69,861,384" and insert "\$67,861,384".

Page 71, line 39, strike "\$65,108,594" and insert "\$63,108,594".

Page 74, line 22, strike "for this Item" and insert "for Item 470 K.1. of Senate Bill 29 (2012)."

Page 74, line 31, after "sharing." insert:

"This appropriation is contingent upon the conditions established in Item 470 K. 4. of Senate Bill 29 (2012)."

Page 74, line 32, "for this Item" and insert "for Item 470 K.1. of Senate Bill 29 (2012)."

Page 74, line 35, after "center." insert:

"This appropriation is contingent upon the conditions established in Item 470 K. 4. of Senate Bill 29 (2012)."

## **Explanation:**

(This amendment provides contingent funding from the Federal Action Contingency Trust (FACT) Fund for a proposed advanced manufacturing initiative.)

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# Substitute Amendment for Item 105 #7s

Chief Patron:

Item 105 #9s

<b>Commerce And Trade</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Economic Development Incentive Payments	\$0	(\$10,000,000)	GF

**Language:**

Page 71, line 39, strike "\$65,108,594" and insert "\$55,108,594".

Page 74, line 36, strike "second" and insert "first".

**Explanation:**

(This amendment eliminates the second year appropriation for the Commonwealth Commercialization and Research Fund.)

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# If Item 105 #9s is Approved: Reject this Amendment

Item 105 #7s

Commerce And Trade	FY 12-13	FY 13-14	
Economic Development Incentive Payments	\$0	(\$10,000,000)	GF

## Language:

Page 71, line 39, strike "\$65,108,594" and insert "\$55,108,594".

Page 74, line 36, strike "second" and insert "first".

Page 74, line 36, after "fund" insert:

"and \$10,000,000 the second year from the funds provided in Item 470 K.1. of Senate Bill 29 (2012)"

Page 74, line 43, after "businesses." insert:

"The appropriation in the second year is contingent upon the conditions established in Item 470 K. 4. of Senate Bill 29 (2012)."

## Explanation:

(This amendment provides a contingent appropriation of \$10,000,000 in the second year from the Federal Action Contingency Trust (FACT) Fund for the Commonwealth Commercialization and Research Fund.)

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Chief Patron:

Item 105 #10s

<b>Commerce And Trade</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Economic Development Incentive Payments	(\$1,500,000)	(\$1,500,000)	GF

**Language:**

Page 71, line 39, strike "\$69,861,384" and insert "\$68,361,384".

Page 71, line 39, strike "\$65,108,594" and insert "\$63,608,594".

Page 73, line 10, strike "\$3,500,000 the first year and \$3,500,000" and insert "\$2,000,000 the first year and \$2,000,000".

**Explanation:**

(This amendment reduces funding for the Governor's Motion Picture Opportunity Fund.)

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Chief Patron:

Item 108 #3s

<b>Commerce And Trade</b>	<b>FY 12-13</b>	<b>FY 13-14</b>
Department Of Housing And Community Development	\$10,000,000	\$0 GF

**Language:**

Page 77, line 9, strike "\$41,549,112" and insert "\$51,549,112".

Page 78, after line 3 insert:

"G.1. There is hereby created the Virginia Housing Trust Fund, hereafter referred to as "the Fund." Out of the amounts in this appropriation, \$10,000,000 the first year from the general fund shall be deposited into the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

2. The Department shall use the moneys from the Fund solely to make, or participate in the making of, loans or grants to eligible organizations for the purpose of providing:

a. Funds for new construction, rehabilitation, repair, or acquisition of housing to assist low or moderate income citizens, including land and land improvements;

b. Matching funds for federal housing moneys requiring a local or state match;

c. Funds for administrative costs for housing assistance programs or nonprofit organizations eligible for funding pursuant to subsection 3 of this item, if the grants or loans provided will substantially increase the recipient's access to housing funds or increase its capacity to supply affordable housing;

d. Loan guarantees and other financial mechanisms to facilitate the provision of housing products or services;

e. Funds for down payments, closing costs, foreclosure prevention, home ownership counseling, and security bonds that facilitate the construction, rehabilitation, repair, or acquisition of housing by low to moderate income citizens;

f. Risk underwriting products not provided by private sector entities to facilitate broader accessibility of citizens to other federal or state housing funds or loan

programs. The products shall be established using professional risk underwriting standards, and separate corporate vehicles may be created and capitalized by the Fund to provide the products; and

g. Start-up funds for initial operational expenses of local government programs to reduce substandard housing or inappropriate land use patterns.

3. Organizations eligible for funding from the Fund shall include the following: (i) localities; (ii) local government housing authorities; (iii) nonprofit organizations that provide assistance to low or moderate income citizens of Virginia and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended; and (iv) regional or statewide housing assistance organizations that provide assistance to low and moderate income or low-income citizens of Virginia and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended."

**Explanation:**

(This amendment creates and capitalizes the Housing Trust Fund with an initial appropriation of \$10.0 million from the general fund in the first year that were derived from the Mortgage Servicing Settlement Agreement.)

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Chief Patron:

Item 139 #18s

**Education: Elementary &  
Secondary**

**FY 12-13**

**FY 13-14**

Direct Aid To Public Education

\$0

\$18,505,271 GF

**Language:**

Page 97, line 15, strike "\$5,754,856,472" and insert "\$5,773,361,743".

Page 107, line 21, after "instructional positions" insert "and support positions".

**Explanation:**

(This amendment restores additional funding for the cost of competing adjustment for support costs for the school divisions in Planning District 8 and certain adjacent divisions as specified in the appropriation act. This would be in addition to the amounts provided in Item 139 #7s that provides \$30.1 million in the first year and \$12.1 million in the second year.)

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Chief Patron:

Item 139 #19s

<b>Education: Elementary &amp; Secondary</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Direct Aid To Public Education	\$7,966,479	\$53,152,277	GF

**Language:**

Page 97, line 15, strike "\$5,706,719,879" and insert "\$5,714,686,358".

Page 97, line 15, strike "\$5,754,856,472" and insert "\$5,808,008,749".

Page 101, after line 32, insert:

"14. The Department of Education is instructed to use the inflation factors included as part of the 2012-14 technical re-benchmarking budget as presented to the Board of Education in July 2011 in the calculation of non-personal support costs."

**Explanation:**

(This amendment adds \$61.1 million to restore funding to update the FY 2010 base year non-personal costs up to the beginning of FY 2013, reflecting an average rate of 3.96 percent over two years. This amendment, when combined with \$45.0 million in the first year in Item 139 #6s, provides a total of \$106.2 million to fully restore inflation based on the January 2012 inflation factors.)

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## Substitute amendment for Item 139 #8s

Chief Patron:

Item 139 #20s

Education: Elementary & Secondary	FY 12-13	FY 13-14	
Direct Aid To Public Education	\$13,025,132	\$13,685,831	GF

### Language:

Page 97, line 15, strike "\$5,706,719,879" and insert "\$5,719,745,011".

Page 97, line 15, strike "\$5,754,856,472" and insert "\$5,768,542,303".

Page 116, strike lines 32 through 36 and insert "on Virginia Employment Commission data."

Page 116, line 37, strike "utilized in FY 2012."

### Explanation:

(This amendment is a substitute for Item 139 #8s, which restored \$18.2 million to the program to increase the per pupil amount from \$6,000 to \$6,800. This amendment instead restores \$26.7 million for the Virginia Preschool Initiative for At-Risk Four-Year-Olds reduced by the proposed change in the methodology for estimating the number of four-year-olds. Since this program is currently Lottery-funded, additional general funds would be provided for SOQ textbooks and English as a Second Language, which are currently split-funded between Lottery Proceeds and general funds. Related language and dollar amendments will be reflected in all applicable service areas of the Appropriation Act upon enrolling of this amendment.)

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**If Item 139 #20s is approved: Reject this amendment.**

Item 139 #8s

<b>Education: Elementary &amp; Secondary</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Direct Aid To Public Education	\$9,085,337	\$9,133,622	GF

**Language:**

Page 97, line 15, strike "\$5,706,719,879" and insert "\$5,715,805,216".

Page 97, line 15, strike "\$5,754,856,472" and insert "\$5,763,990,094".

Page 116, line 7, strike "\$68,169,246" and insert "\$77,254,583".

Page 116, line 8, strike "\$68,509,739" and insert "\$77,643,361".

Page 116, line 30, strike "\$6,000" and insert "\$6,800".

Page 116, line 33, strike "For FY 2013 and FY 2014 only," and insert "Beginning in FY 2013,".

**Explanation:**

(This amendment updates the per pupil amount for the Virginia Preschool Initiative for At-Risk Four-Year-Olds from \$6,000 to \$6,800 to reflect a more realistic current cost. Since this program is currently Lottery-funded, additional general funds would be provided for SOQ textbooks and English as a Second Language, which are currently split-funded between Lottery Proceeds and general funds. Related language and dollar amendments will be reflected in all applicable service areas of SB 30 upon enrolling of this amendment. The amendment also extends the hold harmless provisions due to the change in methodology in the budget as introduced so that, going forward, no school divisions will see a reduction in available slots lower than the actual slots they have used in a prior year.)

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# Reject: Bill Failed

Item 144 #1s

<b>Education: Higher Education</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
State Council Of Higher Education For Virginia	\$1,300,000	\$1,300,000	GF

## Language:

Page 124, line 33, strike "\$69,571,415" and insert "\$70,871,415".

Page 124, line 33, strike "\$69,571,415" and insert "\$70,871,415".

Page 126, line 42, after "Item," strike "\$1,050,000" and insert "\$2,350,000".

Page 126, line 42, after "and" strike "\$1,050,000" and insert "\$2,350,000".

## Explanation:

(This amendment provides \$1.3 million GF in each year for an increase in the number of students eligible for the two-year transfer grant based on SB 85 and SB 400. This legislation would raise the expected family contribution (EFC) from \$8,000 to \$12,000 making approximately 800 more students eligible in both years.)

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# Reject: Bill Failed

Item 144 #2s

<b>Education: Higher Education</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
State Council Of Higher Education For Virginia	\$250,000	\$750,000	GF

## Language:

Page 124, line 33, strike "\$69,571,415" and insert "\$69,821,415".

Page 124, line 33, strike "\$69,571,415" and insert "\$70,321,415".

Page 126, after line 48, insert:

"I.1. Out of this appropriation, \$250,000 the first year and \$750,000 the second year from the general fund is designated for the Commonwealth Tolling Assistance Fund to establish a Tolling Assistance Pilot Program pursuant to § 33-1.223.11, Code of Virginia.

2. The Commissioner of the Department of Transportation and the Commissioner of the Department of Social Services shall provide necessary staffing and support to the State Council of Higher Education in Virginia in developing the regulations and guidelines of the Commonwealth Tolling Assistance Pilot Program.

3. Enrolled students in the public colleges and universities in the Hampton Roads region that are eligible for and receiving benefits under the Supplemental Nutrition Assistance Program shall be eligible to receive a payment from this Fund. Payments to students shall be capped at an individual eligibility for reimbursement under the Program at \$250 per recipient. The amount of the award is an estimate depending on the number of students that are eligible.

4. The State Council of Higher Education for Virginia shall disburse these funds to eligible students consistent with § 33-1.223.11, Code of Virginia.

5. From the funds provided in this Item, up to \$50,000 in the first year may be used in developing the programmatic guidelines for the pilot program with the remaining \$200,000 being allocated to the Fund."

## Explanation:

(This amendment provides funding of \$250,000 GF the first year and \$750,000 GF the second year for the Commonwealth Assistance Program created in SB 619.)

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Chief Patron:

Item 195 #6s

**Education: Higher Education**

**FY 12-13**

**FY 13-14**

University Of Virginia

\$576,000

\$0 GF

**Language:**

Page 149, line 33, strike "\$527,536,662" and insert "\$528,112,662".

**Explanation:**

(This amendment provides \$576,000 GF in the first year to reimburse the University of Virginia for the costs incurred in defending itself against a lawsuit filed by the Attorney General. A companion amendment to Item 59 provides this amount from the Office of the Attorney General.)

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# Substitute Amendment for Item 253 #1s

Chief Patron:

Item 253 #2s

<b>Education: Higher Education</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Higher Education Research Initiative	(\$3,600,639)	(\$3,600,639)	GF

## Language:

Page 180, line 9, strike "\$9,110,639" and insert "\$5,510,000".

Page 180, line 9, strike "\$9,110,639" and insert "\$5,510,000".

Page 180, line 17, after the "," strike "\$6,000,000" and insert "\$5,000,000".

Page 180, line 17, after the "and" strike "\$6,000,000" and insert "\$5,000,000".

Page 180, line 21 strike "\$1,500,000" and insert "\$1,000,000".

Page 180, line 22 strike "\$1,500,000" and insert "\$1,000,000".

Page 180, strike lines 27-40.

## Explanation:

(This amendment redirects \$500,000 GF per year from the University of Virginia and Virginia Commonwealth University for cancer research and the \$2.6 million GF per year for competitive research grants toward other Subcommittee priorities.)

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# If Item 253 #2s is Approved: Reject this Amendment

Item 253 #1s

<b>Education: Higher Education</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Higher Education Research Initiative	(\$6,600,639)	(\$6,600,639)	GF

## Language:

- Page 180, line 9, strike "\$9,110,639" and insert "\$2,510,000".
- Page 180, line 9, strike "\$9,110,639" and insert "\$2,510,000".
- Page 180, line 17, after the "," strike "\$6,000,000" and insert "\$2,000,000".
- Page 180, line 17, after the "and" strike "\$6,000,000" and insert "\$2,000,000".
- Page 180, line 19, strike "\$3,000,000 each".
- Page 180, strike line 20.
- Page 180, line 21, strike "facilities at the Proton Therapy Institute,".
- Page 180, line 21 strike "\$1,500,000" and insert "\$1,000,000".
- Page 180, line 22 strike ",".
- Page 180, line 22 strike "\$1,500,000" and insert "\$1,000,000".
- Page 180, strike lines 27-40.

## Explanation:

(This amendment redirects the \$3.0 million GF per year of new funding provided for cancer research for the Hampton University Foundation, \$500,000 GF per year from the University of Virginia and Virginia Commonwealth University for cancer research, and the \$2.6 million GF per year for competitive research grants toward other Subcommittee priorities.)

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Chief Patron:

Item 280 #5s

<b>Finance</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Treasury Board	(\$2,667,555)	(\$2,667,555)	GF
	\$2,667,555	\$2,667,555	NGF

**Language:**

Page 203, strike lines 27 through 46 and insert:

"Institution	FY 2013	FY 2014
George Mason University	\$2,281,257	\$2,281,257
Old Dominion University	\$1,063,161	\$1,063,161
University of Virginia	\$4,768,632	\$4,768,632
Virginia Polytechnic Institute and State University	\$4,625,280	\$4,625,280
Virginia Commonwealth University	\$1,714,383	\$1,714,383
College of William and Mary	\$1,412,532	\$1,412,532
Christopher Newport University	\$119,097	\$119,097
University of Virginia's College at Wise	\$41,085	\$41,085
James Madison University	\$2,672,109	\$2,672,109
Norfolk State University	\$499,356	\$499,356
Longwood University	\$118,701	\$118,701
University of Mary Washington	\$339,669	\$339,669
Radford University	\$277,002	\$277,002
Virginia Military Institute	\$347,490	\$347,490
Virginia State University	\$858,726	\$858,726
Richard Bland College	\$6,930	\$6,930
Virginia Community College System	\$3,406,095	\$3,406,095
<b>TOTAL</b>	<b>\$24,551,505</b>	<b>\$24,551,505"</b>

**Explanation:**

(This amendment reduces debt service payments by (\$1.2) million GF the first year and (\$3.0) million GF the second year and adjusts the debt service table to reflect revenue generated by increasing the capital fee on out-of-state students at public colleges and universities by \$1.50 per credit hour and taking into account the latest enrollment data.)

---

Chief Patron:

Item 280 #6s

<b>Finance</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Treasury Board	(\$1,200,000)	(\$3,000,000)	GF

**Language:**

Page 200, line 31, strike "\$668,361,900" and insert "\$667,161,900".

Page 200, line 31, strike "\$704,255,353" and insert "\$701,255,353".

**Explanation:**

(This amendment reduces debt service amounts by (\$1.2) million GF the first year and (\$3.0) million GF the second year to reflect lower interest rates.)

---

Chief Patron:

Item 297 #9s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Health	\$455,000	\$455,000	GF

**Language:**

Page 220, line 2, strike "\$13,040,065" and insert "\$13,495,065".

Page 220, line 2, strike "\$6,795,644" and insert "\$7,250,644".

"Page 222, after line 43, insert:

"T. Out of this appropriation, \$455,000 each year from the general fund shall be used for the Teen Pregnancy Prevention Initiative to prevent teenage pregnancies in high-risk communities.)

**Explanation:**

(This amendment adds \$455,000 GF each year to restore funding that was eliminated in the introduced budget for the Teen Pregnancy Prevention Initiative (TPPI). The TPPI operates in seven health districts with the highest rates of teen pregnancy -- Richmond, Norfolk, Alexandria, Roanoke City, Crater, Portsmouth and Eastern Shore.)

---

# Substitute Amendment for Item 297 #6s

Chief Patron:

Item 297 #10s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Health	\$2,100,000	\$2,100,000	GF
	(\$500,000)	(\$500,000)	NGF

## Language:

Page 220, line 2, strike "\$13,040,065" and insert "\$14,640,065".

Page 220, line 2, strike "\$6,795,644" and insert "\$8,395,644".

Page 222, line 40, strike each "500,000" and insert "2,100,000".

Page 222, line 41, strike "special emergency medical services" and insert "general".

## Explanation:

(This amendment adds \$2.1 million GF each year and reduces \$500,000 NGF each year for poison control centers. The introduced budget diverted \$500,000 NGF each year for special emergency medical services to supplant general fund operating support for Poison Control Centers. This amendment reverses that action and adds an additional \$1.6 million GF each year to restore funding to the level of support required for fully operational poison control services. A companion amendment to Item 290 restores funding for emergency medical services. This amendment replaces Item 297 #6s.)

---

# If Item 297 #10s is Approved: Reject this Amendment

Item 297 #6s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Health	\$500,000	\$500,000	GF
	(\$500,000)	(\$500,000)	NGF

**Language:**

Page 222, line 41, strike "special emergency medical services" and insert "general".

**Explanation:**

(This amendment adds \$500,000 GF each year and reduces \$500,000 NGF each year for poison control centers. The introduced budget diverted funding for emergency medical services to supplant general fund operating support for Poison Control Centers. This amendment reverses that action. A companion amendment to Item 290 restores funding for emergency medical services.)

---

# Substitute Amendment for Item 307 #5s

Chief Patron:

Item 307 #24s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Medical Assistance	\$0	\$18,217,758	GF
Services	\$0	\$18,217,758	NGF

## Language:

Page 225, line 49, strike "\$9,042,320,948" and insert "\$9,078,756,464".

Page 238, strike lines 45 and 46.

Page 239, strike lines 1 through 5.

## Explanation:

(This amendment restores \$18.2 million from the general fund and \$18.2 million in federal Medicaid matching funds and eliminates language in the introduced budget which would have reduced the eligibility limit for Medicaid long-term care services. Currently, elderly or disabled individuals with incomes up to 300 percent of the federal Supplemental Security Income (SSI) payment level (\$2,094 per month) may be eligible for Medicaid long-term care services. The introduced budget proposed to reduce this eligibility limit to 250 percent of the SSI payment level (\$1,745 per month) effective January 1, 2014, resulting in 4,562 fewer individuals qualifying for Medicaid funded nursing home care or long-term care waiver services. This amendment replaces Item 307 #5s.)

---

# If Item 307 #24s is Approved: Reject this Amendment

Item 307 #5s

## Health And Human Resources

Department Of Medical Assistance  
Services

Language

### Language:

Page 238, line 45, before "The", insert:

"1. Prior to the implementation of the reduction in paragraph 2, the Director of the Department of Medical Assistance Services shall provide a detailed report and analysis of the impact of the reduction of income eligibility from 300 percent to 250 percent of Supplemental Security Income (SSI). The report shall include a comprehensive review and analysis of the estimated savings, costs and effects of the eligibility change. The report shall be based on current enrollment in nursing homes, other institutions, and community-based waivers including the income level of those enrollees. The report shall include a projection of future needs for nursing homes and community-based waivers, the estimated impact on admission to a nursing home or other institution, and the cost of care in each waiver compared to institutional care. Further, the report shall include the impact of patient-pay requirements on the Medicaid cost of institutional and community-based care for those with income at or above 250 percent of the SSI payment level, and the availability and expected use of the medically needy eligibility process by those with income at or above 250 percent of the SSI payment level to obtain Medicaid coverage for institutional and community-based care. Finally, the report shall evaluate the impact of this eligibility change on compliance with the terms of the Commonwealth's settlement agreement with the U.S. Department of Justice, and available options for long-term care services for those who would no longer qualify for Medicaid services because of this income eligibility change. The final report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees as well as the Joint Commission on Health Care no later than October 1, 2012.

2."

### Explanation:

(This language amendment requires a report on the implications of reducing the income eligibility limit for Medicaid long-term care services effective January 1, 2014 prior to implementation of this policy change. Currently, elderly or disabled individuals with income up to 300 percent of the federal Supplemental Security

## **If Item 307 #24s is Approved: Reject this Amendment**

Income (SSI) payment level (\$2,094 per month) may be eligible for Medicaid long-term care services. The introduced budget reduces the income eligibility limit to 250 percent of the SSI payment level (\$1,745 per month) effective January 1, 2014, potentially resulting in 4,562 fewer individuals qualifying for Medicaid funded nursing home care or long-term care waiver services. This report will provide additional information for policy makers to consider before implementing this change.)

---

Chief Patron:

Item 307 #25s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Medical Assistance	\$3,187,405	\$3,527,562	GF
Services	\$3,187,405	\$3,527,562	NGF

**Language:**

Page 225, line 49, strike "\$7,438,749,436" and insert "\$7,445,124,246".

Page 225, line 49, strike "\$9,042,320,948" and insert "\$9,049,376,072".

Page 239, after line 5, insert:

"LLL. Out of this appropriation, \$3,187,405 from the general fund and \$3,187,405 from nongeneral funds the first year and \$3,527,562 from the general fund and \$3,527,526 from nongeneral funds the second year shall be used to increase personal care reimbursement rates provided under community-based Medicaid waiver programs by three percent effective July 1, 2012."

**Explanation:**

(This amendment provides funding for a three percent rate increase for personal care services provided under community-based Medicaid waiver programs effective July 1, 2012. Funding for personal care rates, which include respite and companion care, were reduced during the recession.)

---

# Substitute Amendment for Item 330 #2s

Chief Patron:

Item 330 #5s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Rehabilitative Services	\$704,063	\$704,063	GF

**Language:**

Page 250, line 30, strike "\$96,701,614" and insert "\$97,405,677".

Page 250, line 30, strike "\$96,702,042" and insert "\$97,406,105".

**Explanation:**

(This amendment restores \$704,063 GF each year for long-term and extended employment support services for individuals with physical disabilities. Funding was reduced by 3.4 percent for long-term employment support and 4.0 percent for extended employment support in the introduced budget. Funding was reduced by \$2.5 million in the FY 2008-10 biennium. These programs provide employment supports for Virginians with disabilities who are served through community-based employment service organizations. This amendment replaces Item 330 #2s.)

---

# If Item 330 #5s is Approved: Reject this Amendment

Item 330 #2s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Rehabilitative Services	\$269,063	\$269,063	GF

## **Language:**

Page 250, line 30, strike "\$96,701,614" and insert "\$96,970,677".

Page 250, line 30, strike "\$96,702,042" and insert "\$96,971,105".

## **Explanation:**

(This amendment restores \$269,063 GF each year for long-term and extended employment support services for individuals with physical disabilities. Funding was reduced by 3.4 percent for long-term employment support and 4.0 percent for extended employment support in the introduced budget. These programs provide employment supports for Virginians with disabilities who are served through community-based employment service organizations.)

---

Chief Patron:

Item 337 #1s

<b>Health And Human Resources</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Department Of Social Services	\$2,400,000	\$2,400,000	GF

**Language:**

Page 254, line 29, strike "\$270,627,718" and insert "\$273,027,718".

Page 254, line 29, strike "\$271,369,252" and insert "\$273,769,252".

**Explanation:**

(This amendment restores \$2.4 million from the general fund each year for at-risk child day care services. Funding for at-risk child day care was reduced by \$13.4 million each year in the introduced budget. Part of the reduction in funding resulted from more accurate projections of child care spending needs related to automation of the child care program. However, there are waiting lists for at-risk child day care services.)

---

Chief Patron:

Item 385 #1s

**Public Safety**

Department Of Corrections

**FY 12-13**

(\$924,288)

-12.00

**FY 13-14**

(\$924,288)

-12.00

GF

FTE

**Language:**

Page 281, line 14, strike "\$83,909,227" and insert "\$82,984,939".

Page 281, line 14, strike "\$84,251,201" and insert "\$83,326,913".

Page 281, strike lines 37 through 46.

**Explanation:**

(This amendment eliminates \$924,288 GF and 12 positions each year, included in the introduced budget to address the fiscal impact of Senate Bill 111 and House Bill 1126, which were not adopted. This legislation would have authorized ten pilot programs for immediate sanctions for technical probation violators, under a new Sanctions with Uniform Rapid Enforcement (SURE) program.)

---

Chief Patron:

Item 388 #8s

**Public Safety**

Department Of Corrections

**FY 12-13**  
(\$6,211,576)  
\$6,211,576

**FY 13-14**  
\$0 GF  
\$0 NGF

**Language:**

Page 287, following line 35, insert:

"L. Included within this appropriation is \$6,211,576 the first year from the Corrections Special Reserve Fund for operating expenses of secure correctional facilities."

**Explanation:**

(This amendment supplants \$6,211,576 GF the first year with an equal amount of special funds from the Corrections Special Reserve Fund, based on the deposit to this fund which is contained in Item 389 of this act. Deposits to the Corrections Special Reserve Fund are made consistent with the corrections bedspace impact of proposed sentencing legislation, consistent with § 30-19.1:4, Code of Virginia. A companion amendment to Part 3 of this act provides for the required transfer.)

---

# Reject: Bill Failed

Item 411 #1s

Public Safety	FY 12-13	FY 13-14	
Department Of Military Affairs	\$485,000	\$485,000	GF

## Language:

Page 298, line 40, strike "\$3,014,944" and insert "\$3,499,944".

Page 298, line 40, strike "\$3,014,944" and insert "\$3,499,944".

Page 298, after line 43, insert:

"A.1. Out of this appropriation, up to \$485,000 the first year and \$485,000 the second year from the general fund is designated to provide members of the Virginia National Guard that currently qualify for out-of-state tuition at a public institution of higher education a grant of up to the differential between out-of-state and in-state tuition, with eligibility as defined under § 23-7.4:2.B., Code of Virginia.

2. The amount of the award is an estimate depending on the number of students that are eligible.

3. The Adjutant General, Department of Military Affairs, shall allocate these funds to public institutions of higher education on behalf of students qualifying under this provision.

4. Each institution shall report the number of recipients for this program to the State Council of Higher Education for Virginia by April 1 of each year. The State Council of Higher Education for Virginia shall report this information to the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each year."

## Explanation:

(This amendment provides \$485,000 GF each year to the Department of Military Affairs to administer a grant to out-of-state members of the Virginia National Guard. This funding provides for a grant of up to the differential between out-of-state and in-state tuition. Awards are to be prorated if funds are insufficient for the purposes as set forth in Senate Bill 508.)

---

Chief Patron:

Item 450 #2s

**Transportation**

Department Of Transportation

Language

**Language:**

Page 343, line 34, strike "I." and insert "I.1."

Following line 46, insert:

"2. In order to mitigate future increases in toll rates levied on the Dulles Toll Road in support of the construction of Phase II of the Washington Metropolitan Area Transit Authority's Metro "Silver Line" extension to Loudoun County, there is hereby appropriated from Commonwealth of Virginia Transportation Capital Project Revenue Bond proceeds authorized pursuant to Chapter 868 of the 2011 Acts of Assembly that are not currently under contractual obligation, \$250,000,000 in addition to the \$150,000,000 previously committed under Memorandum of Understanding for Phase II of this project. Any funding authorized herein for the Commonwealth's contribution shall be used in the payment of debt service on Dulles Toll Road Revenue Bonds issued to fund construction of the Dulles Corridor Metrorail Project, or in the payment of Dulles Corridor Metrorail Project construction costs."

**Explanation:**

(This amendment provides an additional \$250 million in Commonwealth Project Revenue Bond proceeds for construction of Phase II of the Dulles Metro Silver Line for the express purpose of mitigating toll rates levied to support construction of this project.)

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Chief Patron:

Item 450 #3s

**Transportation**

Department Of Transportation

Language

**Language:**

Page 343, line 34, strike "I." and insert "I.1."

Following line 46, insert:

"2. In order to mitigate future increases in toll rates levied in support of the construction of the Downtown Tunnel/ Midtown Tunnel / MLK Extension Project in the Hampton Roads District, there is hereby appropriated from Commonwealth of Virginia Transportation Capital Project Revenue Bond proceeds authorized pursuant to Chapter 868 of the 2011 Acts of Assembly that are not currently under contractual obligation, \$250,000,000 in addition to the \$362,000,000 provided in the initial comprehensive agreement. Any funding authorized herein for the Commonwealth's contribution shall be used in the payment of debt service on bonds issued to fund construction of the project, or in the payment of project construction costs."

**Explanation:**

(This amendment provides an additional \$250 million in Commonwealth Project Revenue Bond proceeds for construction of the Downtown Tunnel / Midtown Tunnel / MLK Extension Project for the express purpose of mitigating toll rates levied to support construction of this project.)

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**Central Appropriations**

**FY 12-13**

**FY 13-14**

Central Appropriations

\$1,567,944

\$1,567,944 GF

**Language:**

Page 358, line 9, strike "\$12,962,240" and insert "\$14,530,184".

Page 358, line 9, strike "\$30,042,240" and insert "\$31,610,184".

Page 360, following line 11, insert:

"K.1. Each (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; (ii) corporation providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organization providing a health care plan for health care services, whose policies, contracts, or plans, including any certificate or evidence of coverage issued in connection with such policies, contracts, or plans, include coverage for fetal transabdominal ultrasound imaging on the patient undergoing an abortion for the purpose of determining gestational age, as required by § 18.2-76.

2. The requirements of this section shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, renewed, or extended or at any time when any term of any such policy, contract, or plan is changed or any premium adjustment is made, on and after the effective date of this section. The provisions of this section shall not apply to short-term travel, accident only, limited or specific disease, or individual conversion policies or contracts, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

3. This section shall apply to health coverage offered to state employees pursuant to § 2.2-2818 and to health insurance coverage offered to employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, local officers, teachers and retirees pursuant to § 2.2-1204.

4. This section shall apply to health coverage provided under § 32.1-325 and § 32.1-351.

5.a. Out of the amounts for this item shall be paid \$1,567,944 in FY 2013 and \$1,567,944 in FY 2014 to cover the full costs of the fetal transabdominal ultrasound

imaging as required by § 18.2-76 for uninsured Virginians. The Secretary of Health and Human Resources shall develop a plan for the direct payment to providers or reimbursement to individuals for fetal transabdominal ultrasound imaging as required by this item."

**Explanation:**

(This amendment provides \$1.6 million GF each year to cover the full cost of fetal transabdominal ultrasound imaging as required by § 18.2-76.)

---

Chief Patron:

Item 469 #5s

<b>Central Appropriations</b>	<b>FY 12-13</b>	<b>FY 13-14</b>	
Central Appropriations	(\$2,000,000)	(\$2,000,000)	GF

**Language:**

Page 358, line 9, strike "\$12,962,240" and insert "\$10,962,240".

Page 358, line 9, strike "\$30,042,240" and insert "\$28,042,240".

Page 358, line 39, strike "\$8,128,237" and insert "\$6,128,237".

Page 358, line 39, strike "\$5,208,237" and insert "\$3,208,237".

**Explanation:**

(This amendment captures savings of (\$2.0) million GF the first year and (\$2.0) million GF the second year from proposed reserves for VITA rates.)

---

# Substitute Amendment for Item 469 #1s

Chief Patron:

Item 469 #6s

Central Appropriations	FY 12-13	FY 13-14	
Central Appropriations	\$0	(\$20,000,000)	GF

**Language:**

Page 358, line 9, strike "\$30,042,240" and insert "\$10,042,240".

Page 360, strike line 9 through line 11.

**Explanation:**

(This amendment removes the second year deposit to the Federal Action Contingency Trust Fund.)

---

# If Item 469 #6s is Approved: Reject this Amendment

Item 469 #1s

## Central Appropriations

Central Appropriations

Language

### Language:

Page 360, strike lines 9 through 11 and insert:

"J.1. Out of the appropriation for this item, \$20,000,000 the second year from the general fund is provided to further capitalize a reserve to be known as the Federal Action Contingency Trust (FACT) Fund. The Governor is authorized to distribute amounts from this reserve to mitigate or address a variety of negative impacts of federal fiscal actions on the Commonwealth. Although not specifically limited to the following, the Governor may use this reserve to address the replacement of losses of direct federal grant funding, to provide incentives to retain or consolidate federal facilities in Virginia, to address federal tax policy changes from conformity that are deemed undesirable, and to assist businesses impacted by the cutback of federal procurement or defense contracts obtain new alternative customers.

2. There is hereby created an advisory committee to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The committee shall consist of six legislative members appointed by the Joint Rules Committee one of which shall be from the Senate at large, and one of which shall be from the House at large, and two members of the Senate Committee on Finance and two members from the House Appropriations Committee. The secretaries of Commerce and Trade and Finance shall also serve as members of the advisory committee.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, the Governor shall consult with the advisory committee regarding the purpose of any proposed distribution and seek the advisory committee's guidance. The advisory committee shall respond to the Governor within five days after receiving a proposal from the Governor indicating their guidance to him about the proposed distribution. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve having previously received guidance from the advisory committee.

4. If the U.S. Congress substantially delays or amends the automatic \$1.2 trillion in federal budget reductions scheduled to take effect in January 2013 pursuant to the

## **If Item 469 #6s is Approved: Reject this Amendment**

Budget Control Act of 2011; and, the Governor and the advisory committee determines that the result of any such action will not significantly impact the Commonwealth's revenues, certain contingent appropriations as identified in Item 105 shall be provided from the Federal Action Contingency Trust (FACT) Fund."

### **Explanation:**

(This amendment modifies language authorizing the Federal Action Contingency Trust (FACT) Fund in order to establish criteria for use of the funding as well as to establish an advisory committee.)

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# Proposal to Reject

Item C-33.10 #2s

<b>Public Safety</b>	<b>FY 12-13</b>	<b>FY 13-14</b>
Department Of Corrections	\$6,000,000	\$0 NGF

**Language:**

Page 377, following line 21, insert:

"OFFICE OF PUBLIC SAFETY

§ 2-13.1. DEPARTMENT OF CORRECTIONS (799)

"C-33.10. Improvements: Security System \$6,000,000 \$0

Infrastructure Replacement and Repairs

Fund Sources: Special \$6,000,000". \$0".

A. Included in the amounts in this Item is funding for the following project:

**Marion Correctional Treatment Center**

Repair and replace electronic security system, doors, locks, consoles, and wiring

B. Funds to support this capital project are provided from the Corrections Special Reserve Fund, pursuant to § 30-19.1:4, Code of Virginia, and Item 389 of this act."

**Explanation:**

(This amendment provides \$6,000,000 NGF the first year from the Corrections Special Reserve Fund for a capital project to repair and replace the security system infrastructure at Marion Correctional Treatment Center. This is the highest security-related capital improvement project for the Department of Corrections. A companion amendment to § 3-1.01 in Part 3 of this act provides for the transfer of these funds.)

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# **Substitute Amendment for Item 3-1.01 #5s**

Chief Patron:

Item 3-1.01 #7s

## **Transfers**

Interfund Transfers

Language

## **Language:**

Page 391, following line 3, insert:

"MM. On or before June 30, 2013, the Comptroller shall transfer \$6,211,576 from the Corrections Special Reserve Fund authorized pursuant to § 30-19.1:4, Code of Virginia, to Item 388 of this act for the Department of Corrections for operating expenses."

## **Explanation:**

(This amendment provides for the transfer of \$6,211,576 to the Department of Corrections from the Corrections Special Reserve Fund for operating expenses in the first year. A companion amendment to Item 388 of this act provides the appropriation of these funds from special funds. A companion amendment to Item 389 of this act provides the required deposit to the Corrections Special Reserve Fund, consistent with sentencing legislation as adopted by the Senate, pursuant to § 30-19.1:4, Code of Virginia.)

---

# If Item 3-1.01 #7s is Approved: Reject this Amendment

Item 3-1.01 #5s

## Transfers

Interfund Transfers

Language

## Language:

Page 391, following line 3, insert:

"MM. On or before June 30, 2013, the Comptroller shall transfer \$6,000,000 from the Corrections Special Reserve Fund authorized pursuant to § 30-19.1:4, Code of Virginia, to the Department of Corrections for the capital project authorized in Item C-33.1 of this act."

## Explanation:

(This amendment provides for the transfer of \$6,000,000 to the Department of Corrections from the Corrections Special Reserve Fund for a capital outlay project for security improvements at Marion Correctional Treatment Center. A companion amendment to Item C-33.1 of this act provides the appropriation for this project from special funds. A companion amendment to Item 389 of this act provides the required deposit to the Corrections Special Reserve Fund, consistent with sentencing legislation as adopted by the Senate, pursuant to § 30-19.1:4, Code of Virginia.)

---

**Effective Date**

Effective Date

Language

**Language:**

**3. That §§ 58.1-2217, 58.1-2249, 58.1-2289, as it may become effective, 58.1-2701, as it is currently effective and as it may become effective, and 58.1-2706 of the Code of Virginia are amended and reenacted as follows:**

§ 58.1-2217. Taxes levied; rate.

A. There is hereby levied a tax at the rate of ~~seventeen and one-half~~ 17.5 cents (\$0.175) per gallon on gasoline and gasohol.

Beginning July 1, 2012, the rate shall be adjusted each year on July 1 by a percentage, as determined by the Commissioner and rounded up to the closest one-tenth of one percent, equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Other Nonresidential Construction from January 1 through December 31 of the year immediately preceding the affected year.

B. (Contingent expiration date - see Editor's notes) There is hereby levied a tax on each gallon of diesel fuel at the same rate of seventeen and one-half cents per gallon on diesel fuel as the rate in effect pursuant to subsection A.

B. (Contingent effective date - see Editor's notes) There is hereby levied a tax on each gallon of diesel fuel at the rate of sixteen 1.5 cents per gallon on diesel fuel (\$0.015) less than the rate in effect in subsection A.

C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that contains diesel fuel shall be taxed at the rate levied on diesel fuel.

D. There is hereby levied a tax at the rate of five cents (\$0.05) per gallon on aviation gasoline. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation gasoline shall be liable for the tax at the rate of ~~seventeen and one-half~~ 17.5 cents (\$0.175) per gallon, along with any penalties and interest that may accrue.

E. (Contingent expiration date - see Editor's notes) There is hereby levied a tax at the rate of five cents (\$0.05) per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax at the rate of five cents (\$0.05) per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent (\$0.005) per gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax imposed at the rate of ~~seventeen and one-half~~ 17.5 cents (\$0.175) per gallon, along with any penalties and interest that may accrue.

E. (Contingent effective date - see Editor's notes) There is hereby levied a tax at the rate of five cents (\$0.05) per gallon on aviation jet fuel purchased or acquired for use by a user of aviation

fuel other than an aviation consumer. There is hereby levied a tax at the rate of five cents (\$0.05) per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent (\$0.005) per gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for the tax imposed at the rate of ~~sixteen~~ 16 cents (\$0.16) per gallon, along with any penalties and interest that may accrue.

F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline, aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and delivered or used in the Commonwealth.

§ 58.1-2249. Tax on alternative fuel.

A. (Contingent expiration date - see Editor's notes) There is hereby levied a tax at the rate of ~~seventeen and one-half cents per gallon~~ in effect under subsection A of § 58.1-2217 on each gallon of liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to ~~seventeen and one-half cents per gallon~~ the rate in effect pursuant to subsection A of § 58.1-2217 on each gallon of all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

A. (Contingent effective date - see Editor's notes) There is hereby levied a tax at the rate of ~~sixteen~~ 1.5 cents per gallon (\$0.015) less than the rate in effect pursuant to subsection A of § 58.1-2217 on each gallon of liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate equivalent to ~~sixteen~~ 1.5 cents per gallon (\$0.015) less than the rate in effect pursuant to subsection A of § 58.1-2217 on each gallon of all other alternative fuel used to operate a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other alternative fuels.

B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of ~~fifty dollars~~ \$50 per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels tax levied under this article has not been paid on fuel used in the vehicle. Beginning July 1, 2012, and each July 1 thereafter, the amount of the license tax shall be adjusted by the same percentage adjustment to the tax rate pursuant to subsection A of § 58.1-2217. If such a highway vehicle is not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each complete month which shall have elapsed since the beginning of such year.

§ 58.1-2289. (Contingent effective date - see Editor's notes) Disposition of tax revenue generally.

A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. Except as provided in § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to §§

58.1-2217, 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of fuel, shall be used for any purpose other than the construction, reconstruction or maintenance of the roads and projects comprising the State Highway System, the Interstate System and the secondary system of state highways and expenditures directly and necessarily required for such purposes, including the retirement of revenue bonds.

Revenues collected under this chapter may be also used for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the Department of Transportation, the Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by law.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. The tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent (\$0.005) of the tax collected on each gallon of fuel on which the refund has been paid at the rate of ~~seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon, in effect pursuant to subsection A of § 58.1-2217~~ for each gallon of fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents (\$0.015) of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, ~~one and one-half~~ 1.5 cents (\$0.015) per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used

for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223, a sum as established by the General Assembly.

E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less taxes collected for aviation fuels.

§ 58.1-2701. (Contingent expiration date - see Editor's notes) Amount of tax.

A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to ~~3.5 cents (\$0.035) more per gallon than the rate in effect pursuant to subsection A of § 58.1-2217,~~ calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of \$150 per year for each qualified highway vehicle regardless of whether such vehicle will be included on the motor carrier's IFTA return. Beginning July 1, 2012, and each July 1 thereafter, the amount of the fee under this subsection shall be adjusted by the same percentage of the tax rate adjustment pursuant to subsection A of § 58.1-2217. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.

C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2701. (Contingent effective date - see Editor's notes) Amount of tax.

A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to ~~nineteen and one-half two cents (\$0.02) more per gallon than the rate in effect pursuant to subsection A of § 58.1-2217,~~ calculated on the amount of motor fuel, diesel fuel or liquefied gases (which would not exist as liquids at a temperature of ~~sixty~~ 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed on a motor carrier by any other provision of law.

B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles that are not registered under the International Registration Plan shall pay a fee of \$100 per year for each qualified highway vehicle, regardless of whether such vehicle will be included on the motor carrier's IFTA return. The fee is due and payable when the vehicle registration fees are paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2. Beginning July 1, 2012, and each July 1 thereafter, the amount of the fee under this subsection shall be adjusted by the same percentage adjustment to the tax rate pursuant to subsection A of § 58.1-2217.

If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the registration fee paid is authorized by law.

C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to ~~seventeen and one-half cents per gallon~~ the rate in effect pursuant to subsection A of § 58.1-2217 on each gallon of all motor fuel, diesel fuel and liquefied gases purchased by such carrier within the Commonwealth for use in its operations either within or without the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier claiming the credit herein allowed.

B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding quarters or (ii) be refunded, upon application, duly verified and presented and supported by such evidence as may be satisfactory to the Department.

C. The Department may allow a refund upon receipt of proper application and review. It shall be at the discretion of the Department to determine whether an audit is required.

D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of not less than ~~ten~~ 10 days to the applicant and the Attorney General.

E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and Construction Fund.

F. Whenever a person operating under lease to a motor carrier to perform transport services on behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such payments or purchases may, at the discretion of the Department, be considered payment or purchases by the carrier.

**4.3. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2014. The provisions of the second and third enactments ~~enactment~~ of this act shall have no expiration date.**

**Explanation:**

(This amendment provides for the annual indexing of the tax levied on motor fuels to the change in the U.S. Department of Labor's Producer Price Index for Other Nonresidential Construction. It is the intent of the General Assembly that the front page of HB 1301 will be amended during enrolling to address the changes to the affected sections of the Code of Virginia.)

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