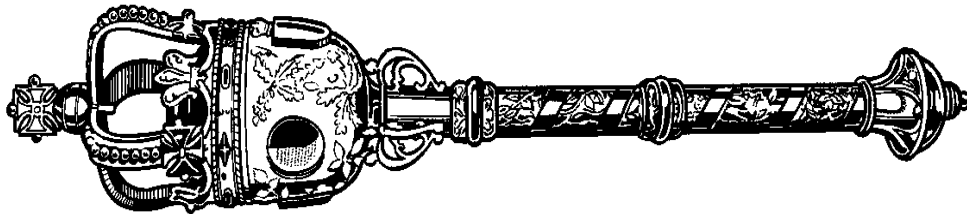


*House
Appropriations
Committee*



*Amendments to
House Bill 1800*

February 2021

INTRODUCTION

This document contains proposed amendments to House Bill 1800, the 2020-2022 Appropriations Act. The amendments are presented in the following order: Part 1 - Operating Expenses; Part 2 - Capital Outlay; Part 3 - Miscellaneous; and Part 4 - General Provisions. For ease of review, each amendment is listed sequentially by item number. A brief explanation of the purpose of each amendment also is provided.

Increased or (decreased) appropriations are drawn to program totals which appear under columns labeled “Appropriations”. Fund sources are designated in the amendments either as General Fund (GF) or Non-General Fund (NGF).

Approved changes are then entered at the appropriate sub-program level in the “Item Details” columns, when the bill is enrolled. Please contact our staff at (804) 698-1590 if you desire any information on these amendments.

A handwritten signature in black ink that reads "Luke E. Torian". The signature is written in a cursive, flowing style.

Luke E. Torian
Chairman

Committee Approved Amendments to House Bill 1800

Item 0 #1h

Revenues

Revenues

Language

Language:

Page 1, strike lines 36 through 46, and insert:

	"First Year	Second Year	Total
Unreserved Balance, June 30, 2020	\$2,874,058,799	\$0	\$2,874,058,799
Additions to Balance	(\$1,278,580,333)	\$267,436,684	(\$1,011,143,649)
Official Revenue Estimates	\$21,967,632,509	\$22,649,234,514	\$44,616,867,023
Transfers	\$664,943,537	\$657,517,349	\$1,322,460,886
Total General Fund Resources Available for Appropriation	\$24,228,054,512	\$23,574,188,547	\$47,802,243,059".

Page 1, strike lines 48 through 49.

Page 2, strike lines 1 through 16 and insert:

	"First Year	Second Year	Total
Balance, June 30, 2020	\$6,915,611,972	\$0	\$6,915,611,972
Official Revenue Estimates	\$39,011,470,806	\$39,809,598,684	\$78,821,069,490
Lottery Proceeds Fund	\$708,231,128	\$690,903,334	\$1,399,134,462
Internal Service Fund	\$2,127,455,883	\$2,293,917,698	\$4,421,373,581
Bond Proceeds	\$2,757,883,162	\$730,790,050	\$3,488,673,212
Total Nongeneral Fund Revenues Available for Appropriation	\$51,520,652,951	\$43,525,209,766	\$95,045,862,717
TOTAL PROJECTED REVENUES	\$75,748,707,463	\$67,099,398,313	\$142,848,105,776"

Explanation:

(This amendment updates the revenues assumed on the front page to reflect the cumulative impact of the adopted amendments.)

Item 1 #1h

Legislative Department

General Assembly of Virginia

Language

Language:

Page 10, strike lines 11 through 57.

Page 11, strike lines 1 through 15.

Explanation:

(This amendment removes authorizing language for the WWI and WWII Commemoration Commission. The Commission completed its work in the summer of 2020.)

Item 1 #2h

Legislative Department

General Assembly of Virginia

Language

Language:

Page 14, after line 14, insert:

"Z. Included within this appropriation is \$22,400 in the second year from the general fund for a joint subcommittee on campaign finance reform pursuant to the passage of House Joint Resolution 526 in the 2021 General Assembly."

Explanation:

(This amendment covers any costs of a joint subcommittee to study comprehensive campaign finance reform pursuant to the passage of House Joint Resolution 526 during the 2021 General Assembly.)

Item 1 #3h

Legislative Department

General Assembly of Virginia

FY20-21

(\$19,840)

FY21-22

\$14,200 GF

Language:

Page 4, line 5, strike "\$54,927,913" and insert "\$54,908,073".

Page 4, line 5, strike "\$54,908,073" and insert "\$54,922,273".

Page 14, line 11, strike "\$19,840 the first year" and insert:

"\$14,200 the second year".

Explanation:

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(This amendment transfers and adjusts funding to support the work of a joint committee to study staffing, employment conditions, and compensation at the Department of Corrections pursuant to the passage of House Joint Resolution 522 in the 2021 General Assembly.)

Item 4 #1h

Legislative Department

Division of Capitol Police

Language

Language:

Page 16, line 2, after "July 1, 2020" strike:
"to June 30, 2021 and \$163,800 from July 1, 2021" and insert:
"to December 24, 2020 and \$200,000 from December 25, 2020".

Explanation:

(This amendment updates language in the budget which specifies the salary for the Chief of the Capitol Police.)

Item 4 #2h

Legislative Department

Division of Capitol Police

FY20-21

FY21-22

\$0
0.00

\$787,626 GF
2.00 FTE

Language:

Page 15, line 44, strike "\$13,270,924" and insert "\$14,058,550".

Explanation:

(This amendment provides funding to provide two additional FTEs for the Capitol Police, one communications position and one additional sworn officer, and to provide salary adjustments for the sworn personnel.)

Item 7 #1h

Legislative Department

Capitol Square Preservation Council

FY20-21

FY21-22

(\$50,000)

\$0 GF

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Language:

Page 17, line 37, strike "\$217,162" and insert "\$167,162".

Page 18, strike lines 2 through 4.

Page 18, line 5, strike "C" and insert "B".

Explanation:

(This amendment reduces funding provided in Chapter 1289, Acts of Assembly, 2020 General Assembly for the development of interpretive signs regarding the history of Massive Resistance beside the statue of Harry F. Byrd on Capitol Square. The removal of this funding is pursuant to the passage of House Bill 2208 in the 2021 General Assembly, which removes the statute from Capitol grounds.)

	Item 9 #1h	
Legislative Department	FY20-21	FY21-22
Dr. Martin Luther King, Jr. Memorial Commission	\$100,000	\$0 GF

Language:

Page 18, line 20, strike "\$50,643" and insert "\$150,643".

Page 18, after line 23, insert:

"A. Out of the amounts included in this appropriation, \$100,000 in the first year from the general fund is provided for the construction of the Emancipation and Freedom Monument."

Explanation:

(This amendment transfers \$100,000 from the general fund in fiscal year 2021 from central appropriations to the Dr. Martin Luther King, Jr. Memorial Commission to support the construction of the Emancipation and Freedom Monument.)

	Item 29 #1h	
Legislative Department	FY20-21	FY21-22
Joint Commission on Health Care	\$0	\$375,000 GF

Language:

Page 25, line 41, strike "\$795,343" and insert "\$1,170,343".

Page 26, after line 27, insert:

"C. Out of the amounts included in this appropriation, \$375,000 in the second year from the general fund is provided for the Commission to study financing options for universal health care pursuant to the passage of House Bill 2271 in the 2021 General Assembly."

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Explanation:

(This amendment provides \$375,000 in the second year from the general fund for the Joint Commission on Health Care to study options for financing universal health care. The funding in this amendment is contingent upon the passage of House Bill 2771 in the 2021 General Assembly.)

Item 33 #1h

Legislative Department	FY20-21	FY21-22	
Virginia Commission on Intergovernmental Cooperation	\$0	\$42,397	GF

Language:

Page 31, line 15, strike "\$780,935" and insert "\$823,332".

Explanation:

(This amendment provides additional funding in the second year to cover dues payments to the National Conference of State Legislatures, the Southern Regional Education Board, Council of State Governments, and Education Commission of the States.)

Item 34 #1h

Legislative Department	Language
Legislative Department Reversion Clearing Account	

Language:

Page 31, after line 31, insert:

"A. On or before June 30, 2021, the Committee on Joint Rules shall authorize a reversion to the general fund of \$5,911,271 representing savings generated by legislative agencies in the second year of the 2018 - 2020 biennium. The total savings amount includes estimated savings within the following legislative agencies:

Legislative Agency	Estimated Savings
133: Auditor of Public Accounts	\$500,000.00
961: Division of Capitol Police	\$2,000,000.00
109: Division of Legislative Automated Systems	\$40,000.00
107: Division of Legislative Services	\$1,000,000.00
837: Virginia Disability Commission	\$68,463.70
847: Joint Commission on Technology and Science	\$166,641.57
971: State Water Commission	\$9,121.92
118: Virginia Coal and Energy Commission	\$21,614.55
108: Virginia Code Commission	\$334,651.00

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862: Small Business Commission	\$13,646.28
871: Autism Advisory Council	\$16,926.12
876: Virginia Conflict of Interest and Ethics Advisory Council	\$165,078.21
872: Virginia World War I and World War II Commemoration Commission	\$300,104.58
875: Joint Commission on Transportation Accountability	\$28,199.92
877: Commission on Economic Opportunity for Virginians in Aspiring Communities	\$30,222.37
844: Joint Commission on Health Care	\$108,047.50
839: Virginia Commission on Youth	\$40,000.00
110: Joint Legislative Audit and Review Commission	\$1,068,553.29
Total	\$5,911,271".

Explanation:

(This amendment reverts \$5.9 million from the fiscal year 2020 balances of legislative agencies and standing commissions.)

	Item 39 #1h		
Judicial Department	FY20-21	FY21-22	
Supreme Court	\$0	\$1,539,033	GF

Language:

Page 34, line 4, strike "\$41,962,568" and insert "\$43,501,601".

Page 36, after line 9, insert:

"P. Included in this appropriation is \$1,539,033 the second year for the implementation of an automatic expungement process pursuant to House Bill 2113 of the 2021 Session of the General Assembly."

Explanation:

(This amendment provides \$1.5 million the second year as the first of four years of one-time information technology upgrade costs for the Office of the Executive Secretary of the Supreme Court to implement an automatic expungement process for certain offenses pursuant to House Bill 2113. The bill, a recommendation of the Virginia State Crime Commission, would provide for a process of expungement of criminal records for certain convictions, deferred dispositions, acquittals, and for offenses that have been nolle prossed or otherwise dismissed. Companion amendments have been drafted to the State Police and Department of Corrections items.)

Item 39 #2h

Committee Approved Amendments to House Bill 1800

Judicial Department

Supreme Court

Language

Language:

Page 36, after line 9, insert:

"P. The Executive Secretary of the Supreme Court shall, in consultation with representatives of the Indigent Defense Commission, Virginia Community Criminal Justice Association, and other stakeholders identified by the Executive Secretary, shall review the requirements of House Bill 2286 of the 2021 Session of the General Assembly, as introduced, and produce (i) a plan for the implementation of the provisions of the bill, (ii) an estimate of the costs of implementing the provisions of the bill, and (iii) an estimate of potential off-setting savings resulting from implementation of the plan. The Executive Secretary shall provide a report detailing the plan for implementation, and associated costs and savings, to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1, 2021."

Explanation:

(This amendment directs the Office of the Executive Secretary of the Supreme Court to review the requirements of House Bill 2286, estimate the costs and potential savings resulting from its implementation, and report the findings of the review by December 1, 2021.)

Item 40 #1h

Judicial Department

FY20-21

FY21-22

Court of Appeals of Virginia

(\$235,419)

(\$4,876,227) GF

Language:

Page 36, line 24, strike "\$10,183,547" and insert "\$9,948,128".
Page 36, line 24, strike "\$15,460,379" and insert "\$10,584,152".
Page 36, strike lines 47 through 50.
Page 37, strike line 1.

Explanation:

(This amendment removes funding associate with a proposal to expand the number of seats in the Court of Appeals of Virginia.)

Item 41 #1h

Judicial Department

FY20-21

FY21-22

Circuit Courts

\$0

\$6,652,800 GF

Language:

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Page 37, line 12, strike "\$112,595,520" and insert "\$119,248,320".

Page 37, line 48, strike "\$130,467,906" and insert "\$137,120,705".

Explanation:

(This amendment provides an additional \$6.7 million from the general fund the second year for the Criminal Fund for the potential impact of House Bill 2331, which would eliminate minimum mandatory sentences for certain offenses and allow a petition based resentencing process for affected inmates.)

	Item 48 #1h	
Judicial Department	FY20-21	FY21-22
Indigent Defense Commission	\$0	(\$3,928,516) GF

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$59,220,334".

Explanation:

(This amendment removes \$3.9 million from the general fund and 29 positions the second year for Capital Indigent Defense Services, pursuant to the provisions of House Bill 2263 which would eliminate the death penalty in Virginia.)

	Item 48 #2h	
Judicial Department	FY20-21	FY21-22
Indigent Defense Commission	\$0	\$1,816,875 GF

Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$64,965,725".

Explanation:

(This amendment provides \$1.8 million from the general fund the second year and for additional public defender, paralegal, mitigation specialist, and administrative support positions for the Indigent Defense Commission.)

	Item 48 #3h	
Judicial Department	FY20-21	FY21-22
Indigent Defense Commission	\$0	\$1,181,456 GF

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Language:

Page 43, line 10, strike "\$63,148,850" and insert "\$64,330,306".

Explanation:

(This amendment provides \$1.2 million from the general fund the second year to fully fund the personnel and non-personnel operating costs of the Prince William County public defender office established in 2020.)

	Item 49 #1h		
Judicial Department	FY20-21	FY21-22	
Virginia Criminal Sentencing Commission	\$0 0.00	\$216,000 2.00	GF FTE

Language:

Page 43, line 45, strike "\$1,240,651" and insert "\$1,456,651".

Page 44, after line 25, insert:

"C. Out of the amounts appropriated in this item, \$216,000 the second year from the general fund for pre-trial process data collection and reporting pursuant to House Bill 2310 of the 2021 Session of the General Assembly."

Explanation:

(This amendment provides \$216,000 the second year from the general fund and two positions for the Virginia Criminal Sentencing Commission to undertake necessary data collection and reporting on pre-trial processes, pursuant to House Bill 2310. This bill is a recommendation of the Virginia State Crime Commission.)

	Item 52 #1h		
Executive Offices	FY20-21	FY21-22	
Office of the Governor	\$0 0.00	(\$599,192) -3.00	GF FTE

Language:

Page 47, line 5, strike "\$6,772,269" and insert "\$6,173,077".

Page 47, line 18, strike "and \$599,192 in the second year."

Explanation:

(This amendment transfers \$599,192 in the second year from the general fund for the Office of the Chief Workforce Development Advisor to the new Secretary of Labor's Office. The responsibilities of the Chief Workforce Development Advisor are transferred to the new

Secretary pursuant to the passage of House Bill 2321, 2021 General Assembly.)

Item 52 #2h

Executive Offices

Office of the Governor

Language

Language:

Page 47, after line 28, insert:

"G.1. The Office of Diversity, Equity, and Inclusion shall develop recommendations to implement a language access policy for Virginia state government to ensure equitable access to state services for Virginians with limited English proficiency. The Office shall consult with relevant state agencies, organizations serving immigrants and refugees in Virginia, and applicable Virginia Advisory Boards. In developing the recommendations, the Office shall identify current practices in Virginia state agencies, and best practices from other states and localities, assess applicable federal requirements, consider relevant data pertaining to Virginia's immigrant community, and identify a plan, including timeline, fiscal impact, and methods for making translated materials available to the public, that would be required for implementing a language access policy.

2. The Chief Diversity Officer shall provide recommendations on or before November 1, 2021 to the Governor, and the Chairs of the House General Laws Committee and Senate General Laws and Technology Committee."

Explanation:

(This amendment directs the Office of Diversity, Equity, and Inclusion to develop recommendations to implement a language access policy for improving access to state services for individuals with limited english proficiency.)

Item 52 #3h

Executive Offices

Office of the Governor

Language

Language:

Page 47, after line 28, insert:

"G.1. The Office of the Chief Workforce Advisor shall convene a workgroup that includes representatives from the Departments of Education, Social Services, Professional and Occupational Regulation, Health Professions; the Health Workforce Development Authority; Office of Diversity, Equity, and Inclusion; the Virginia Community College System; Commonwealth Catholic Charities, Catholic Charities; Migration and Refugee Services;

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International Rescue Committee; Church World Services; Lutheran Social Services; Ethiopian Development Council; NoVA Friends of Refugees; ReEstablish Richmond; local one-stop career centers that have experience serving refugees; an employer; and at least one refugee or special immigrant visa holder. The workgroup shall identify barriers that recent refugees in Virginia face to entering the workforce; assess participation in adult education and workforce training programs; compare, to the extent practicable, the current employment of recent refugees to that of their employment, including any occupational and professional credentials and academic degrees earned, prior to resettling in the United States; and identify the top occupations that recent refugees seek to work in Virginia and make recommendations for addressing any barriers that prevent them from using their work experience gained outside of the United States to obtaining employment in these occupations in Virginia.

2. The Chief Workforce Advisor shall submit a report containing the recommendations of the workgroup on or before November 1, 2021 to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor."

Explanation:

(This amendment directs the Chief Workforce Advisor to convene a workgroup to study and offer recommendations to improve the participation of recent refugees in Virginia's workforce. This item pursuant to the passage of House Bill 2321 in the 2021 General Assembly shall be moved to the Office of the Secretary of Labor.)

Item 57 #1h

Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	(\$806,898) -6.00	GF FTE

Language:

Page 48, line 42, strike "\$38,488,923" and insert "\$37,682,025".

Explanation:

(This amendment removes funding in the introduced budget provided for additional attorneys to address anticipated workload impacts of expanding appeal rights. House Bill 2112 did not advance in the 2021 General Assembly.)

Item 57 #2h

Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	\$404,273 3.00	GF FTE

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Language:

Page 48, line 42, strike "\$38,488,923" and insert "\$38,893,196".

Page 50, after line 20, insert:

"H. Out of the amounts included in this appropriation, \$404,273 is provided in the second year from the general fund pursuant to the passage of House Bill 2004 in the 2021 General Assembly."

Explanation:

(This amendment provides \$404,273 in the second year from the general fund to address additional workload impacts at the Office of the Attorney (OAG) for House Bill 2004 under consideration by the 2021 General Assembly.)

Item 59 #1h

Executive Offices

FY20-21

FY21-22

Attorney General and Department of
Law

\$0
0.00

\$330,556 GF
3.00 FTE

Language:

Page 50, line 27, strike "\$4,275,325" and insert "\$4,605,881".

Page 50, line 32, before "Included" insert "A."

Page 50, after line 49, insert:

"B. Out of this appropriation, \$330,556 in the second year from the general fund is provided pursuant to the passage of House Bill 2307 in the 2021 General Assembly."

Explanation:

(This amendment provides \$330,556 from the general fund in the second year pursuant to the passage of House Bill 2307 in the 2021 General Assembly. This bill requires the Office of the Attorney General (OAG) to investigate data privacy violations. OAG estimates future recoveries will be insufficient to cover personnel costs.)

Item 59 #2h

Executive Offices

Attorney General and Department of Law

Language

Language:

Page 50, line 32, before "Included" insert "A.1."

Page 50, after line 49, insert:

"2. Notwithstanding any provision of law, any funds deposited into the Regulatory, Consumer

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Advocacy, Litigation, and Enforcement Revolving Trust Fund (Revolving Trust Fund) related to the manufacture, sale, or marketing of opioids shall remain in the Fund until the provisions of House Bill 2322, 2021 General Assembly are effectuated. Upon written request of the Office of Attorney General, the State Treasurer upon warrants issued by the Comptroller shall transfer any money related to the manufacture, sale, or marketing of opioids held in the Revolving Trust Fund to the Opioid Abatement Authority and Fund established by House Bill 2322, 2021 General Assembly."

Explanation:

(This amendment authorizes the Office of the Attorney General to make settlement deposits from opioid related litigation into the Revolving Trust Fund until such time the provisions of House Bill 2322, 2021 General Assembly are effectuated, creating the Opioid Abatement Fund and Authority.)

	Item 61 #1h		
Executive Offices	FY20-21	FY21-22	
Attorney General and Department of Law	\$0 0.00	(\$161,583) -1.00	GF FTE

Language:

Page 51, line 2, strike "\$1,427,335" and insert "\$1,265,752".

Explanation:

(This amendment removes proposed funding in the introduced budget to address additional work load impacts for the Division of Human Rights. The published Fiscal Impact Statement for House Bill 1864 in the 2021 General Assembly indicate funding needs for the legislation begin in fiscal year 2023.)

	Item 64 #1h
Executive Offices	
Office of the State Inspector General	Language

Language:

Page 54, after line 3, insert:
"G. The Office of the State Inspector General shall, with the assistance of the Office of Charitable and Regulatory Programs, review the regulatory structure of charitable gaming in Virginia, including, but not limited to, the sufficiency of resources available to the Office of Charitable and Regulatory Programs for oversight and enforcement activities, the structure of the Charitable Gaming Board, including any changes necessary to prevent conflicts of interest,

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and the sufficiency of the amount of gaming revenue dedicated for religious, charitable, community or educational purposes. The Office of the State Inspector General shall report on their findings to the General Assembly no later than December 1, 2021."

Explanation:

(This amendment directs the Office of the State Inspector General to review the regulatory structure of charitable gaming in Virginia.)

Item 72 #1h

Administration	FY20-21	FY21-22	
Compensation Board	\$0	\$93,200	GF

Language:

Page 64, line 4, strike "\$79,259,767" and insert "\$79,352,967".

Page 66, after line 35, insert:

"L. Included in this appropriation is \$93,200 in the second year from the general fund to support the costs of converting the Commonwealth's Attorney's office in Craig County from part-time to full-time status effective July 1, 2021, in accordance with the election of the officer pursuant to § 15.2-1629, Code of Virginia."

Explanation:

(This amendment addresses additional funding needs to convert the part-time Commonwealth's Attorney's office in Craig County to full-time status in accordance with § 15.2-1629, Code of Virginia, effective July 1, 2021, including: a) funding to convert the salary of the Commonwealth's Attorney to full-time; b) funding to convert the salary of the part-time administrative position to full-time status; and c) additional office expense funding. The annualized cost in fiscal year 2023 is \$100,865.)

Item 74 #1h

Administration

Compensation Board

Language

Language:

Page 70, after line 14, insert:

"D. Notwithstanding the provisions of § 8.01-490, a treasurer, sheriff or other officer distraining or levying upon personal property may employ a licensed auctioneer or auction firm, as defined in § 54.1-600, to sell such property on behalf of the officer, and may transport such property to the site of an auction for such purpose, regardless whether the site is within or outside the

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officer's county or city."

Explanation:

(This amendment clarifies that an officer (such as a treasurer or sheriff) who distrains or levies upon property (for instance, to satisfy delinquent taxes or a recorded judgment) may utilize an auctioneer or auction firm located outside the officer's jurisdiction to sell the property. This allowance may lead to cost efficiencies for the seller and the owner.)

	Item 79 #1h		
Administration	FY20-21	FY21-22	
Department of General Services	\$0	\$500,000	GF

Language:

Page 76, line 36, strike "\$54,047,690" and insert "\$54,547,690".
Page 76, line 49, strike "\$42,197,934" and insert "\$42,697,934".

Explanation:

(This amendment provides additional funding for operations and maintenance costs for facilities under DGS management.)

	Item 82 #1h		
Administration	FY20-21	FY21-22	
Department of General Services	\$0	\$400,000	GF
	0.00	2.00	FTE

Language:

Page 79, line 34, strike "\$5,603,640" and insert "\$6,003,640".
Page 79, line 39, before "Out" insert "A."
Page 79, after line 41, insert:

"B.1. The Department shall lead, provide administrative support to, and convene an annual public body procurement workgroup to review and study proposed changes to the Code of Virginia in areas of non-technology goods and services, technology goods and services, construction, transportation, and professional services procurements. The workgroup shall consist of the Director of the Department of Small Business and Supplier Diversity, Director of the Department of General Services, the Chief Information Officer of Virginia Information Technology Agency, Commissioner of the Virginia Department of Transportation, Director of the Department of Planning and Budget, the President of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) or their designees; a representative from the Office of the Attorney General Government Operations and

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Transactions Division, a staff member of the Virginia House Appropriations Committee, Senate Finance and Appropriations Committee, House General Laws Committee, and Senate General Laws and Technology Committee.

2. The workgroup is charged with hearing legislation referred by letter from the Chair of any committee of the General Assembly. The workgroup will hear from stakeholders identified by the patron of the referred legislation and other interested individuals to discuss the legislation's impacts to: 1) small businesses to include women and minorities; 2) the Commonwealth's budget; and 3) the Commonwealth's procurement processes. Such meetings will be open to the public. In addition, the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee may request the workgroup review procurement related proposals in advance of upcoming legislative sessions to better understand the fiscal impacts prior to the start of the annual General Assembly Session.

3. The workgroup will first examine current construction procurement processes by state agencies and covered institutions, needed to incentivize positive business behavior by general contractors that support achieving the Commonwealth's discretionary spend goals for small, women, and minority owned businesses. Additionally, the workgroup will provide best practices associated with oversight of subcontracts to include reporting requirements for payroll records, contracts and payments to other businesses, including individuals classified as independent contractors. In its initial review, the workgroup will provide findings to the Chairs of the House Appropriations Committee, Committee on General Laws, Senate Finance and Appropriations Committee, Committee on General Laws on or before September 1, 2021. "

Explanation:

(This amendment creates annual public body procurement workgroup to review any proposed changes to the Virginia Public Procurement Act to better understand cost and process considerations involved with legislative proposals, before and after annual legislative session.)

Item 86 #1h

Administration

Department of Elections

Language

Language:

Page 85, after line 48, insert:

"K. The Department shall use remaining funds provided in Chapter 1, 2020 Special Session I Acts of Assembly to reimburse localities for the cost of prepaid postage for the return of absentee ballots. The Department of Elections shall reimburse localities for return absentee ballot prepaid postage by validating qualifying amounts through proper documentation. These funds shall not be used or otherwise obligated for any other purposes."

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Explanation:

(This amendment continues to provide funding to reimburse general registrars for the cost of prepaid postage for the return of absentee ballots at an amount estimated to be \$1.0 million.)

Item 86 #2h

Administration	FY20-21	FY21-22	
Department of Elections	\$0	\$87,313	GF

Language:

Page 84, line 35, strike "\$16,823,166" and insert "\$16,910,479".

Page 85, line 17, before "year" strike "and \$212,687 the second year".

Page 85, after line 48, insert:

"K. Out of the amounts in this item, \$300,000 in the second year from the general fund is provided for voter outreach and education about new voting laws enacted during the 2020 General Assembly Session and 2021 General Assembly Session."

Explanation:

(This amendment provides \$300,000 in the second year from the general fund at the Department of Elections to support voter education and outreach efforts on new voting laws. This amendment includes new funding in addition to repurposing existing resources within the agency for previous voter education campaigns.)

Item 87 #1h

Administration	FY20-21	FY21-22	
Department of Elections	\$0	\$3,514,134	GF

Language:

Page 85, line 51, strike "\$6,275,378" and insert "\$9,789,512".

Page 87, after line 15, insert:

"C. Notwithstanding the salaries listed in paragraph A. of this item, effective July 1, 2021 the annual salaries for general registrars shall be adjusted to equal the salaries for Local Treasurers as established under Item 74 of this act."

Explanation:

(This amendment provides \$3.5 million from the general fund the second year to increase the salary scale for general registrars to equal the salary scale for treasurers and restores the funding level for registrars and electoral boards to 100 percent of the cost.)

Item 90 #2h

Administration

Virginia Information Technologies Agency

Language

Language:

Page 88, strike lines 14 through 22.

Page 88, line 23, strike "E" and insert "D".

Page 88, line 52, strike "F" and insert "E".

Explanation:

(This amendment removes a quarterly reporting requirement for VITA to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee on the transition to a new model for technology services. Virginia transitioned to the new model in April 2020. Language in Item 32 of the budget requires the Joint Legislative Audit and Review Commission to conduct an annual review of the agency.)

Item 90 #3h

Administration

Virginia Information Technologies Agency

Language

Language:

Page 89, after line 1, insert:

"G. The Virginia Information Technologies Agency shall provide a network infrastructure report to the House Appropriations Committee, Senate Finance and Appropriations Committee, and Joint Legislative Audit and Review Commission by November 1 of each year. The report shall indicate whether the Commonwealth's network infrastructure is adequate to meet the needs of state agencies, and if not, identify any needed upgrades. For each network infrastructure upgrade identified, the report shall specify the estimated cost and whether the upgrade is to the portion of the network maintained by the Virginia Information Technologies Agency or another state agency."

Explanation:

(This amendment requires VITA to provide a network infrastructure report annually to the Chairs of the legislative money committees and the Joint Legislative Audit and Review Commission (JLARC) to address network capacity challenges for state agencies. This is a recommendation of JLARC.)

Committee Approved Amendments to House Bill 1800

Item 97 #1h

Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0	\$1,000,000	GF

Language:

Page 94, line 41, strike "\$21,892,069" and insert "\$22,892,069".

Page 95, line 46, strike the second "\$250,000" and insert "\$1,250,000".

Explanation:

(This amendment provides an additional \$1.0 million the second year from the general fund to the Virginia Farmland Preservation Fund.)

Item 97 #2h

Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$2,000,000	\$0	GF

Language:

Page 94, line 41, strike "\$23,620,243" and insert "\$25,620,243".

Page 96, line 17, strike "\$1,125,000" and insert "\$3,125,000".

Explanation:

(This amendment increases the first year general fund appropriation for the Virginia Food Access Investment Program from \$1.25 million to \$3.1 million.)

Item 98 #1h

Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0	\$1,000,000	GF

Language:

Page 96, line 21, strike "\$1,233,692" and insert "\$2,233,692".

Page 96, after line 34, insert:

"C. Out of the amounts in this item, \$1,000,000 the second year from the general fund is provided for the Dairy Producer Margin Coverage Premium Assistance Program, consistent with the provisions of House Bill 1750 of the 2021 Session of the General Assembly."

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Explanation:

(This amendment provides \$1.0 million the second year from the general fund for the Dairy Producer Margin Coverage Premium Assistance Program, pursuant to House Bill 1750 of the 2021 Session of the General Assembly.)

	Item 98 #2h		
Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0 0.00	\$500,000 2.00	GF FTE

Language:

Page 96, line 21, strike "\$1,233,692" and insert "\$1,733,692".

Page 96, after line 34, insert:

"C. Out of the amounts in this item, \$500,000 the second year from the general fund is provided for the Departments efforts to support the International Trade Plan."

Explanation:

(This amendment provides \$500,000 the second year from the general fund and two positions for the Virginia Department of Agriculture and Consumer Services to expand services for Virginia businesses in coordination with the Virginia Economic Development Partnership in implementing the Commonwealth's International Trade Plan. The International Trade Plan was developed by the VDEP Committee on International Trade. A corresponding amendment to VEDP provide related funding and positions.)

	Item 99 #1h		
Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0	\$75,000	GF

Language:

Page 96, line 36, strike "\$4,385,658" and insert "\$4,460,658".

Page 96 line 51, strike the second "\$125,000" and insert "\$200,000".

Explanation:

(This amendment provides an additional \$75,000 the second year general funds for the Beehive Grant Fund. The Fund provides beehive equipment directly to eligible beekeepers.)

Committee Approved Amendments to House Bill 1800

Item 104 #1h

Agriculture and Forestry	FY20-21	FY21-22	
Department of Agriculture and Consumer Services	\$0 0.00	\$99,100 1.00	NGF FTE

Language:

Page 98, line 39, strike "\$6,265,542" and insert "\$6,364,642".

Explanation:

(This amendment provides \$99,100 from nongeneral funds and one position for the implementation of the provisions specified in House Bill 2030.)

Item 107 #1h

Agriculture and Forestry

Department of Forestry

Language

Language:

Page 101, after line 23, insert:

"M. The Department of Forestry shall convene a stakeholder workgroup for the purpose of developing and providing recommendations to state and local governments related to policies which encourage the conservation of mature trees and tree cover on sites being developed, increase tree canopy cover in communities, and to encourage the planting of trees. The stakeholder workgroup shall also examine Virginia's existing enabling statutes and their use related to the preservation, planting, and replacement of trees during the land development process, including, but not limited to, § 15.2-960, § 15.2-961, § 15.2-961.1, and § 15.2-961.2, and recommend potential changes to those sections that would enhance the preservation, planting, and replacement of trees during the land development process and incentives for the preservation, planting, or replacement of trees during the land development process. The stakeholder workgroup shall be composed of representatives of the residential and commercial development and construction industries, agricultural and forestry industry representatives, professional environmental technical experts, representatives of local governments, and other affected parties who the Department of Forestry deems necessary. The Department shall provide a report detailing findings, recommendations, and draft legislation of the workgroup to the Chairs of the House Agriculture, Chesapeake and Natural Resources and Senate Agriculture, Conservation and Natural Resources Committees no later than November 1, 2021, and shall include in the report recommendations for draft legislation to encourage the conservation of tree cover and mature trees, or the planting of trees."

Explanation:

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(This amendment directs the Department of Forestry to convene a stakeholder workgroup to provide recommendations for policies which encourage increased tree cover in communities, and the preservation of mature trees and tree cover on sites being developed.)

Item 107 #2h

Agriculture and Forestry

FY20-21

FY21-22

Department of Forestry

\$0
0.00

(\$316,146) GF
-3.00 FTE

Language:

Page 99, line 47, strike "\$37,431,710" and insert "\$37,115,564".

Explanation:

(This amendment removes \$316,146 from the general fund the second year and three positions included in the introduced budget to establish a statewide Incident Management Team training program at the Department of Forestry.)

Item 111 #2h

Commerce and Trade

Secretary of Commerce and Trade

Language

Language:

Page 104, strike 26 through 42.

Page 104, line 43, strike "E" and insert "D".

Explanation:

(This amendment removes language authorizing a workgroup to review the feasibility of creating a paid family and medical leave program. The workgroup submitted its final report in the September 2020. This is a technical amendment.)

Item 111 #3h

Commerce and Trade

Secretary of Commerce and Trade

Language

Language:

Page 104, strike lines 43 through 52.

Page 105, strike lines 1 through 12, and insert:

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"E.1. The Chief Workforce Development Advisor to the Governor in coordination with the Secretary of Administration, Secretary of Finance, and Secretary of Commerce and Trade shall convene a workgroup to review the Commonwealth's state public works payment process to contractor employees. The workgroup shall identify and make process improvement recommendations to correct any identified issues with the intent to put forward a comprehensive legislative and budgetary package for consideration in the 2022 General Assembly Session.

2. The workgroup shall consist of the Commonwealth's Chief Workforce Advisor to the Governor, Secretary of Finance, Secretary of Administration, and Secretary of Commerce and Trade, or their designees, staff from the House Appropriations and Senate Finance and Appropriations Committees, representatives from Virginia public colleges and universities and state agencies, two representatives from labor organizations that can bring forth to the workgroup documented situations where such misclassification has occurred on Commonwealth public work projects, two representatives from the general contractor business community with experience in providing construction services to the Commonwealth, and representatives from agencies deemed relevant by their corresponding cabinet official, which may include the Department of General Services, Department of Small Business and Supplier Diversity, Department of Labor and Industry, Department of Professional and Occupational Regulation, Virginia Employment Commission, Virginia Worker's Compensation Commission, and Department of Taxation. It is the intent of the General Assembly that the representatives on this workgroup shall be representative of all perspectives to protect workers engaged on state contracts and to balance financial and workload impacts for state agencies.

3. The Chief Workforce Advisor shall submit a final report to the Chairs of the House Appropriations and General Laws Committees, and Senate Finance and Appropriations and General Laws and Technology Committees on or before October 1, 2021.

4. In making recommendations for its October 2021 report, the workgroup shall consider the findings, recommendations, and insights from the initiatives established in Item 82 of this act, and paragraphs F. and G. of this item. Among other things the workgroup shall, examine the procurement, wage theft, worker misclassification, and prevailing wage laws in offering potential recommendations for legislation and budgetary actions in the 2022 General Assembly Session that can address prevention and enforcement of the state's labor laws on capital construction projects. The workgroup shall provide state fiscal impact estimates by fiscal year and fund source for any recommendation contained in its final report to ensure the General Assembly understands the costs of these recommendations prior to the start of the 2022 General Assembly Session. Additionally, the workgroup shall discuss ideas to incentivize positive business behavior by general contractors, models that require subcontractors to get authorization prior to outsourcing any work on state contracts, such as the one deployed by the Virginia Military Institute, and data collection and verification of employee payrolls for independent contractors working on state contracts.

5. Initial ideas from the workgroup are implemented in paragraphs F. and G. of this item. The workgroup may make recommendations to continue, stop, or modify these items in its final report.

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F.1. The Secretary of Commerce and Trade, Secretary of Administration the Secretary of Finance and the Chief Workforce Development Advisor, with the assistance of their relevant agencies shall work to establish a state government infrastructure to identify and investigate potential worker misclassification and wage theft issues on the Commonwealth's capital construction projects. The infrastructure shall include an initial resolution process for project owners to work with the prime contractor. If the identified matter cannot be resolved with the initial step, it shall be referred to the Secretary of Finance and the Chief Workforce Development Advisor to direct the claim to the agency with the appropriate statutory authority to launch an investigation. The investigating agency shall notify the Secretary of Finance and the Chief Workforce Development Advisor of any violation committed by the contractor. This includes issues of wage theft and worker misclassification. The Secretary of Finance or the Chief Workforce Development Advisor shall notify the appropriate project owner of such violation of the state's worker misclassification or wage theft laws by a contractor performing work on a state project. The agency funding such violation occurred shall address the matter pursuant to the applicable provisions under the law, which may include debarment by the Department of Taxation under the state's worker misclassification laws. The project owner shall take appropriate contractual remedies to address the violation in addition to those pursued by the investigating agency.

2. The Secretary of Commerce and Trade and the Chief Workforce Development Advisor, will identify, or develop its own, national and state labor laws training program for the Commonwealth's capital project managers. The Department of General Services, and institutions of higher education with capital outlay autonomy, shall include in their construction of administration procedures a requirement that project managers that oversee capital projects complete the training by July 1, 2023. The Secretary of Administration and the Chief Workforce Development Advisor shall ensure any state employee who oversees capital outlay construction projects take an online or face to face course on national and state labor laws related to construction projects by July 1, 2023. The Secretary of Commerce and Trade shall report to the Governor, Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee costs to implement and support this professional development training on or before September 1, 2021 or include these costs in the report required in paragraph E. of this item.

3. The Chief Workforce Development Advisor shall develop procedures and legislative recommendations that require the Department of Labor and Industry, the Virginia Employment Commission, the Department of Occupational Regulation, and the Workers Compensation Commission to debar contractors for workplace-related violations.

G.1. The Secretary of Commerce and Trade, Secretary of Administration, the Secretary of Finance and the Chief Workforce Development Advisor shall convene an interagency taskforce to meet regularly to share data on any recent substantiated findings of worker misclassification and wage theft issues in the Commonwealth including any on state capital projects. For any such findings identified that pertain to public bodies the taskforce will provide its findings to the State Inspector General for further investigation. The taskforce shall include representatives

Committee Approved Amendments to House Bill 1800

from the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the Virginia Employment Commission, and the Virginia Worker's Compensation Commission. The taskforce may consider signing a data sharing agreement or Memorandum of Understanding to share information on employers who are currently being investigated or found guilty of unlawful business practices, such as wage theft and worker misclassification.

2. The taskforce shall recommend measures to improve transparency regarding construction contractors on public works projects, which may include requiring all contractors for public works to submit on a monthly or biweekly basis certified payrolls for employees, certified payrolls for independent contractors, and the number of employees and independent contractors present on the worksite.

3. The taskforce shall advise the public works process workgroup in paragraph E.1. of this item on topics including the implementation status of Virginia's new labor laws on worker misclassification and wage theft, and other relevant ideas to preventing and enforcing wage theft and worker misclassification on state capital construction projects including those contained in paragraph 2. above."

Explanation:

(This amendment updates language for a workgroup examining remedies for alleged labor law violations on the state's capital construction contracts. In addition the amendment initiates several concepts discussed by this workgroup including: an infrastructure established by the Secretary of Finance and the Chief Workforce Development Advisor to investigate alleged labor law violations, training for procurement officers on current labor laws, and an interagency taskforce to share data on substantiated findings of worker misclassification and wage theft. Item 110.10 contains additional resources to effectuate the provisions of this budget amendment. Upon enrolling, this item will be moved to the new Secretary of Labor pursuant to the passage of House Bill 2321 in the 2021 General Assembly.)

		Item 111.10 #1h	
Commerce and Trade	FY20-21	FY21-22	
Secretary of Commerce and Trade	\$0 0.00	\$951,148 4.00	GF FTE

Language:

Page 105, after line 16, insert:

"111.10 Secretary of Labor	\$0	\$951,148
Fund Sources: General	\$0	\$951,148 "

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"A.1. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly, there is hereby created the Secretary of Labor effective July 1, 2021. Included in this item is funding for the salary of the Secretary of Labor and four positions. The Secretary shall be responsible to the Governor for the following agencies: Department of Labor and Industry, Virginia Employment Commission, and Department of Professional and Occupational Regulation. Effective July 1, 2021, the appropriations and positions of the agencies listed in this section shall be transferred from the Secretary of Commerce and Trade to the Secretary of Labor. The Governor, by executive order, may assign any state executive agency to the Secretary or reassign any agency to another Secretary. In addition, the Governor is hereby authorized to transfer positions and associated funding from agencies within the Secretariat of Labor to the office of said Secretary up to a maximum of four positions.

2. Pursuant to the provisions of House Bill 2321 of the 2021 General Assembly any budgetary item acted on by the 2021 General Assembly pertaining to the Chief Workforce Development Advisor shall be transferred to this new Secretariat, accordingly. This includes provisions contained under Items 52 and 111 of this act.

3. Out of the amounts included in this appropriation, \$10,000 in the second year from the general fund is provided for House Bill 1849 in the 2021 General Assembly, which directs the Virginia Board of Workforce Development to study options for expanding registered apprenticeship programs in the state.

4. Out of the amounts included in this appropriation, \$341,956 in the second year from the general fund is provided to support the labor law and state capital construction process workgroup and related infrastructure established in paragraphs L., F., and G. of Item 111 of this act. The funds may be used to support the salary of a full-time staff member of the new Secretary's office, hire outside consultants, or any additional costs that the Secretary recommends to effectuate the provisions outlined in Item 111 in the aforementioned paragraphs.

6. The Director, Department of Planning and Budget, shall include implementation of the actions set forth in this item in the Budget Bill submitted to the 2022 Session of the General Assembly."

Explanation:

(This amendment creates a new Secretary of Labor for Virginia, and transfers money currently appropriated for the Chief Workforce Development Officer to support the new office. Upon enrolling, amendments related to the Chief Workforce Development Advisor will be transferred to the new Secretary including amendments to Item 111 and Item 52 of this act.)

Item 112 #1h

Commerce and Trade

FY20-21

FY21-22

Committee Approved Amendments to House Bill 1800

Economic Development Incentive Payments	\$0	\$6,330,000	GF
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Language:

Page 105, line 19, strike "\$58,585,483" and insert "\$64,915,483".

Page 107, after line 47, insert:

"O. Out of the appropriation in this item, \$6,330,000 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants to a qualified shipping and logistics company in a qualified locality in accordance with legislation to be considered by the 2021 General Assembly and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth."

Explanation:

(This amendment provides the initial payment for a recently approved MEI project. Funding is contingent upon the passage of legislation by the 2021 General Assembly.)

Item 112 #2h

Commerce and Trade

Economic Development Incentive Payments	Language
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Language:

Page 107, after line 47, insert:

"O. Notwithstanding any provisions of § 30-310, Code of Virginia, the MEI Commission shall only be required to review economic development incentive packages in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality that exceed \$250,000 in aggregate incentive investments."

Explanation:

(This amendment allows the Virginia Economic Development Partnership to authorize incentive packages that involve the in-state re-location of employers under \$250,000 without the approval of the MEI Commission.)

Item 113 #1h

Commerce and Trade

	FY20-21	FY21-22	
Department of Housing and Community Development	\$0	(\$25,000,000)	GF

Language:

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Page 108, line 13, strike "\$181,360,089" and insert "\$156,360,089".

Page 109, line 6, strike "\$55,000,000" and insert "\$30,000,000".

Explanation:

(This amendment level funds the Virginia Housing Trust Fund in the second year to the amounts contained in Chapter 1289, Acts of Assembly, 2020 General Assembly. The additional \$40.7 million for the Virginia Housing Trust Fund in fiscal year 2021 served as a bridge to continue the Rent and Mortgage Relief program, and is no longer needed in the second year due to the availability of over \$560 million in federal funds for rental assistance.)

Item 113 #2h

Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$0	\$50,000	GF

Language:

Page 108, line 13, strike "\$181,360,089" and insert "\$181,410,089".

Page 110, after line 40, insert:

"L. Out of the amounts in this item, \$50,000 in the second year from the general fund is provided pursuant to the passage of House Bill 2053 in the 2021 General Assembly, which directs the Department to lead a workgroup to provide recommendations on increasing local development of accessory dwelling units on single-family dwelling lots."

Explanation:

(This amendment provides \$50,000 in the second year from the general fund for associated costs related House Bill 2053 under consideration by the 2021 General Assembly.)

Item 114 #1h

Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$100,000	\$20,000	GF

Language:

Page 110, line 42, strike "\$129,138,362" and insert "\$129,238,362".

Page 110, line 42, strike "\$128,538,362" and insert "\$128,558,362".

Page 114, after line 46, insert:

"O. Of the amounts in this item, \$100,000 in the first year and \$20,000 in the second year from the general fund shall be provided to the Middle Peninsula Planning District Commission for the purpose of designing and constructing a pilot elevated septic system to enhance commercial

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development opportunities in rural coastal Virginia. The department will monitor its ability to protect public health and as a potential strategy for resiliency of recurrent tidal flooding."

Explanation:

(This amendment provides \$120,000 over the biennium from the general fund to fund an elevated specific system pilot program at the Middle Peninsula Planning District Commission. Septic systems in coastal Virginia suffer from a constant threat of sea level rise, storm surges, and chronic flooding which can cause catastrophic failures of inground septic systems due to water inundation. The Middle Peninsula Planning District Commission plans to contribute \$10,000 to this pilot project.)

	Item 114 #2h	
Commerce and Trade	FY20-21	FY21-22
Department of Housing and Community Development	\$0	\$424,000 GF

Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$128,962,362".

Page 114, after line 46, insert:

"O.1. Out of the amounts in this item, \$424,000 in the second year from the general fund is provided to support the creation of a statewide broadband map. The Department shall, in coordination with the Office of the Chief Broadband Advisor, develop a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth. The Department and Chief Advisor shall provide the initial map by July 1, 2022, or as soon as practicable, and shall update the map at least annually.

2. Broadband service providers shall be required to submit updated service territory data to the Department annually. The Department shall establish a process, timeline, and specific data requirements for broadband providers to submit their data. All public bodies shall cooperate with the Department, or any agent thereof, to furnish data requested by the Department for the initial improvement and maintenance of the map.

3. In no instance may the Department require broadband providers to submit any data, in either substantive content or form, beyond that which the provider is required to submit to the Federal Communications Commission pursuant to the federal Broadband Deployment Accuracy and Technological Availability Act, 47 U.S.C. § 641 et. seq., provided, however, that satellite-based broadband providers that have been designated as an eligible telecommunications carrier pursuant to 47 130 U.S.C. § 214(e)(6) for any portion of the Commonwealth shall be required to submit comparable data as other broadband providers. Public bodies and broadband providers shall not be required to submit any customer information, such as names, addresses, or account numbers.

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4. The Department may publish only anonymized versions of the map, showing locations served and unserved by broadband without reference to any specific provider. The map shall not include information regarding ownership or control over the network or networks providing service. The Department shall establish a process for broadband providers to petition the Department to correct inaccuracies in the map. Any determination made by the Department pursuant to any specific petition with respect to any specific map to correct inaccuracies shall be final and not subject to further review.

5. Maps published by the Department pursuant to this section may be considered, but shall not be considered conclusive, for purposes of determining eligibility for funding for Commonwealth broadband expansion grant or loan programs, including the Virginia Telecommunication Initiative, or challenges thereto.

6. The Department: May contract with private parties to make the necessary improvements to the existing map and to maintain the map. Such private parties may include any entities and individuals selected by the Department to assist the Department in improving and maintaining such a map; Shall consult existing broadband maps, particularly those published by the Federal Communications Commission; and May acquire existing, privately held data or mapping information that may contribute to the accuracy of the map.

7. Information submitted by a broadband provider in connection with this section shall be excluded from the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Information submitted by a broadband provider pursuant to this section shall be used solely for the purposes stated under this section and shall not be released by the Department, or any other public records custodian, without the express written permission of the submitting broadband provider.

8. The Department shall annually evaluate federal mapping data and shall waive the requirement for broadband providers to submit territory data if a map of near identical or greater quality is made publicly available by the Federal Communications Commission as part of the federal Digital Opportunity Data Collection program or its successor. This waiver shall not be unreasonably withheld.

9. For the purposes of the initiative outlined in paragraph O. of this item, "Broadband" means Internet access at speeds equal to or greater than the broadband Internet speed benchmark set by the Federal Communications Commission. "Broadband provider" means a provider of fixed or mobile broadband Internet access service and includes any entity required to provide the federal government with information on Federal Communications Commission Form 477 or as part of the federal Digital Opportunity Data Collection program or a provider of satellite-based broadband Internet access service that has been designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e)(6) for any portion of the Commonwealth. "Chief Advisor" means the Commonwealth Broadband Chief Advisor as established in § 2.2-205.2.114, Code of Virginia. "Map" means the statewide broadband availability map developed and maintained pursuant to paragraph O. of this item."

Committee Approved Amendments to House Bill 1800

Explanation:

(This amendment provides \$424,000 from the general fund in the second year to the Department of Housing and Community Development to develop a statewide broadband map and establishes parameters for the development of that map.)

Item 114 #3h

Commerce and Trade

FY20-21

FY21-22

Department of Housing and
Community Development

\$0

(\$3,000,000) GF

Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$125,538,362".

Page 112, line 37, strike "\$3,500,000" and insert "\$500,000".

Explanation:

(This amendment level-funds the Virginia Main Street Program by eliminating a proposed \$3.0 million increase for program in the second year due to the \$120 million in small business support being deployed through the Rebuild Virginia program. A companion amendment in item 128 provides additional funds for the Rebuild Virginia program from skilled games revenues.)

Item 114 #4h

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 114, strike lines 5 through 29.

Page 114, line 33, after "group" insert:

"established in Chapter 2, 2018 Special Session I, Acts of Assembly."

Explanation:

(This amendment removes language related to a broadband advisory workgroup to develop a framework for GO Virginia to invest in broadband deployment. The workgroup has completed its work and the language is no longer necessary.)

Item 114 #5h

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 113, after line 29, insert:

"5. Notwithstanding paragraphs L.1, and L.2. of this item, the Department shall establish a one-year pilot program in the second year in which public broadband authorities may apply directly for Virginia Telecommunications Initiative funds. The applications received by public broadband authorities under this pilot program would not require partnership with or an investment from the private sector. The department shall not make awards under the pilot program exceeding 10 percent of total second year funds appropriated in paragraph L.1. of this item."

Page 113, strike lines 30 through 36".

Explanation:

(This amendment creates a one-year pilot that will allow public broadband authorities to compete for funds from the Virginia Telecommunications Initiative program.)

Item 114 #6h

Commerce and Trade

Department of Housing and Community Development

Language

Language:

Page 114, after line 46, insert:

"O. The Commission on Local Government will review the fiscal effects of mandatory property tax exemptions on the capacity of local governments to deliver essential services to the public. As part of the review, the Commission will ascertain the impact of the exemptions on property tax collections, the shift to and reliance on other local revenues to compensate for exempted properties, the additional fiscal stress placed on non-exempted properties and non-exempted local taxpayers, and the ability of local governments to meet spending needs. In addition, the Commission will develop and include in its review potential recommendations to mitigate the fiscal impacts on local governments tied to these state tax exemption initiatives. The Commission will report its findings to the Governor, the Joint Subcommittee on Local Government Fiscal Stress, and the Chairs of the House Committee on Finance, and the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1, 2021."

Explanation:

(This amendment directs the Commission on Local Government to undertake a review of the

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effects of mandatory property tax exemptions on local government revenues and services and recommend potential options for mitigating fiscal impacts.)

		Item 114 #7h	
Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$0	\$294,000	GF

Language:

- Page 110, line 42, strike "\$128,538,362" and insert "\$128,832,362".
- Page 111, line 11, strike "\$75,971" and insert "\$89,971".
- Page 111, line 15, strike "\$75,971" and insert "\$89,971".
- Page 111, line 20, strike "\$75,971" and insert "\$89,971".
- Page 111, line 22, strike "\$75,971" and insert "\$89,971".
- Page 111, line 24, strike "\$75,971" and insert "\$89,971".
- Page 111, line 26, strike "\$75,971" and insert "\$89,971".
- Page 111, line 28, strike "\$75,971" and insert "\$89,971".
- Page 111, line 30, strike "\$151,943" and insert "\$165,943".
- Page 111, line 32, strike "\$75,971" and insert "\$89,971".
- Page 111, line 34, strike "\$75,971" and insert "\$89,971".
- Page 111, line 36, strike "\$75,971" and insert "\$89,971".
- Page 111, line 38, strike "\$75,971" and insert "\$89,971".
- Page 111, line 40, strike "\$75,971" and insert "\$89,971".
- Page 111, line 42, strike "\$75,971" and insert "\$89,971".
- Page 111, line 44, strike "\$113,957" and insert "\$127,957".
- Page 111, line 46, strike "\$75,971" and insert "\$89,971".
- Page 112, line 1, strike "\$75,971" and insert "\$89,971".
- Page 112, line 3, strike "\$75,971" and insert "\$89,971".
- Page 112, line 5, strike "\$75,971" and insert "\$89,971".
- Page 112, line 7, strike "\$75,971" and insert "\$89,971".
- Page 112, line 9, strike "\$151,943" and insert "\$165,943".

Explanation:

(This amendment restores additional support for Virginia's Planning District Commissions.)

		Item 114 #8h	
Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$0	\$10,000,000	GF

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Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$138,538,362".

Page 114, after line 46, insert:

"O. Out of the amounts in this item, \$10,000,000 the second year from the general fund shall be provided to the City of Petersburg for expenses incurred from the installation of a water tank and associated infrastructure at a chemical plant complex in the city. The water tank and associated infrastructure shall be adequate to ensure the water pressure can support the minimum fire protection and manufacturing needs of a regional pharmaceutical manufacturing cluster. Disbursement of these funds are contingent upon the City of Petersburg executing a loan through the Department of Environmental Quality's Virginia Clean Water Revolving Loan Fund to address sewer improvements at the chemical plant complex. The amount of the loan shall be sufficient to provide water and sewer improvements necessary to sustain a regional pharmaceutical manufacturing cluster, including the construction of a pump station that will substantially increase sewer capacity."

Explanation:

(This amendment provides \$10.0 million in the second year from the general fund to improve a chemical plant complex located in the City of Petersburg. The plant has substantial chemical manufacturing infrastructure that requires a significant upgrade to the water and sewer utilities, once these improvements are made, the plant will be able to serve as the centerpiece of a regional pharmaceutical manufacturing cluster.)

	Item 115 #1h	
Commerce and Trade	FY20-21	FY21-22
Department of Housing and Community Development	\$250,000	\$250,000 GF

Language:

Page 114, line 48, strike "\$14,789,114" and insert "\$15,039,114".

Page 114, line 48, strike "\$14,789,114" and insert "\$15,039,114".

Page 114, line 55, strike "\$14,500,000" and insert "\$14,750,000".

Page 114, line 56, strike "\$14,500,000" and insert "\$14,750,000".

Explanation:

(This amendment restores \$250,000 in each year from the general fund for an increase to the Enterprise Zone grant program to help avoid grant proration of real estate awards from the program.)

Item 120 #1h

Committee Approved Amendments to House Bill 1800

Commerce and Trade	FY20-21	FY21-22	
Department of Labor and Industry	\$0	\$419,055	GF
	0.00	3.00	FTE

Language:

Page 116, line 14, strike "\$2,520,193" and insert "\$2,939,248".

Page 117, after line 8, insert:

"C. Out of the amounts in this item, \$419,055 in the second year from the general fund is provided pursuant to the passage of a paid sick leave bill for essential workers in the 2021 General Assembly."

Explanation:

(This amendment provides \$419,055 in the second year from the general fund for the Department of Labor and Industry to enforce the provisions of House Bill 2137, 2021 General Assembly which provides paid sick leave for essential workers.)

		Item 124 #1h	
Commerce and Trade	FY20-21	FY21-22	
Department of Mines, Minerals and Energy	\$0	\$250,000	GF

Language:

Page 118, line 2, strike "\$29,447,002" and insert "\$29,697,002".

Page 118, after line 42, insert:

"G. Out of this appropriation, \$250,000 the second year from the general fund to study the health and environmental impacts of the mining of gold, pursuant to House Bill 2213 of the 2021 Session of the General Assembly."

Explanation:

(This amendment provides \$250,000 the second year from the general fund for the Department of Mines, Minerals, and Energy to study the health and environmental impacts of mining gold, pursuant to House Bill 2213.)

		Item 125 #1h	
Commerce and Trade	FY20-21	FY21-22	
Department of Mines, Minerals and Energy	\$0	\$5,000,000	GF

Language:

Committee Approved Amendments to House Bill 1800

Page 118, line 45, strike "\$4,226,173" and insert "\$9,226,173".

Page 119, after line 23, insert:

"E. Out of this appropriation, \$5,000,000 the second year from the general fund is provided for the Electric Vehicle Rebate Fund consistent with the provisions of the House Bill 1979 of the 2021 Session of the General Assembly."

Explanation:

(This amendment provides \$5.0 million the second year from the general fund for the establishment of the Electric Vehicle Rebate Program, established pursuant to House Bill 1979.)

Item 125 #2h

Commerce and Trade

Department of Mines, Minerals and Energy

Language

Language:

Page 119, after line 23, insert:

"E. The Department of Mines, Minerals, and Energy (DMME) shall establish a work group to determine the feasibility and approach of creating a Virginia R-PACE program. The R-PACE work group shall assess the status and readiness of Federal regulations to support an R-PACE program; determine market interest, size, and potential volume for Virginia R-PACE program; recommend draft legislation to facilitate program implementation and administration; and develop draft guidelines governing R-PACE loans in Virginia. DMME shall at least include the following stakeholders: the Virginia PACE Authority; the Virginia Bankers Association and other mortgage originators; the Virginia Realtors Association; PACE capital financing institution representative; solar energy contractor; and a representative of the homebuilding industry representative. Additionally, the R-PACE Work Group shall solicit and evaluate written public comments. The Department shall provide a report detailing its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than December 1, 2021."

Explanation:

(This amendment directs the Department of Mines, Minerals, and Energy to establish a work group to assess the feasibility of creating a Virginia Residential Property-Assessed Clean Energy (R-PACE) Program.)

Item 128 #1h

Commerce and Trade

Department of Small Business and Supplier Diversity

Language

Language:

Page 122, after line 37, insert:

"I. The Department shall develop and submit a detailed improvement plan for the Business One Stop. The plan should include the following for each statutory requirement: (i) a description of the purpose and benefit to small businesses, (ii) the cost of fully implementing and maintaining the requirement, (iii) the resources needed beyond those currently available to implement and maintain the requirement, and (iv) the Department's recommendation as to whether the requirement should be kept. The plan should be provided to the House Labor and Commerce, and Appropriations committees; and Senate Commerce and Labor, and Finance and Appropriation committees no later than November 1, 2021."

Explanation:

(This amendment requires the Department of Small Business and Supplier Diversity to develop an improvement plan for the Business One Stop. This is a recommendation from the recent report on the Operations and Performance of the Department of Small Business and Supplier Diversity from the Joint Audit and Legislative Review Commission.)

Item 128 #2h

Commerce and Trade

Department of Small Business and Supplier Diversity

Language

Language:

Page 121, after line 28, insert:

"D.1. Out of the revenues deposited to the COVID-19 Relief Fund created pursuant to § [2.2-115.1](#) of the Code of Virginia and in Item 497.10 paragraph C. of this act, \$20,000,000 the second year shall be used to continue the Rebuild Virginia Program."

Page 121, line 29, after "paragraphs" insert "D.1. of this item and".

Page 121, line 38, strike "D" and insert "E".

Page 121, line 40, strike "E" and insert "F".

Page 122, line 13, strike "F" and insert "G".

Page 122, line 18, strike "G" and insert "H".

Page 122, line 24, strike "H" and insert "I".

Explanation:

(This amendment provides \$20 million to continue small business assistance through the Rebuild Virginia program from revenue generated from the temporary legalization of skilled games.)

Item 130 #1h

Committee Approved Amendments to House Bill 1800

Commerce and Trade	FY20-21	FY21-22	
Virginia Economic Development Partnership	\$0 0.00	\$1,400,000 3.00	GF FTE

Language:

Page 123, line 44, strike "\$40,302,309" and insert "\$41,702,309".

Page 125, after line 4 insert:

"M. Out of the amounts in this item, \$1,400,000 the second year from the general fund is provided to support implementation of Virginia's International Trade Plan. Out of the amounts provided in this paragraph, \$570,000 shall be used to support Virginia businesses with supply chain security and \$330,000 shall be used to increase Virginia's capacity to pull down federal trade funding. The remaining funds shall be used to expand current trade programs managed by the Partnership including the Virginia Leaders in Export Trade program."

Explanation:

(This amendment provides support for Virginia's International Trade Plan (ITP), totaling \$1.4 million in the second year from the general fund. The ITP was developed by VEDP's Advisory Committee on International Trade.)

Item 130 #2h

Commerce and Trade	FY20-21	FY21-22	
Virginia Economic Development Partnership	\$0	\$2,350,000	GF

Language:

Page 123, line 44, strike "\$40,302,309" and insert "\$42,652,309".

Page 124, line 49, strike the second "\$5,020,387" and insert "\$7,370,387".

Explanation:

(This amendment restores half of the funding previously appropriated for the talent solutions program at the Virginia Economic Development Partnership, bringing year two funding for the program to \$7.4 million.)

Item 130 #3h

Commerce and Trade

Virginia Economic Development Partnership

Language

Language:

Committee Approved Amendments to House Bill 1800

Page 125, line 2, after "L." insert "1."

Page 125, after line 4, insert:

"2. Notwithstanding any provision of law, the Office of Labor Market Alignment (the Office) shall serve as a resource for education and workforce programs administered by state government to better inform programmatic decisions on workforce education and training. Additionally, the Office shall serve as a guide and resource for the Governor and the General Assembly in determining strategic education and workforce investments in current and future education and workforce training programs with a particular focus on those programs supported with state general fund dollars. The Office shall communicate relevant information in a clear and concise manner to better enable policy makers and decision makers to navigate the complex, often confusing connections between education and the labor market.

3. The Virginia Economic Development Partnership shall include in its annual report, due on November 1st of each year, an update on the activities of the Office of Labor Market and Alignment."

Explanation:

(This amendment clarifies language for the Office of Labor Market Alignment.)

		Item 131 #1h	
Commerce and Trade	FY20-21	FY21-22	
Virginia Employment Commission	\$0	(\$6,752,701)	GF

Language:

Page 125, line 13, strike "\$574,596,796" and insert "\$567,844,095".

Page 126, line 11, strike "\$7,502,701" and insert "\$750,000".

Explanation:

(This amendment removes \$6.8 million for an interest payment on federal cash advances for the state's unemployment insurance program. Provisions contained in the recent coronavirus stimulus package reduced Virginia's anticipated interest payment for September 2021 to \$750,000.)

		Item 131 #2h	
Commerce and Trade	FY20-21	FY21-22	
Virginia Employment Commission	\$0	\$250,000	GF
	0.00	5.00	FTE

Language:

Committee Approved Amendments to House Bill 1800

Page 125, line 13, strike "\$574,596,796" and insert "\$574,846,796".

Page 126, after line 19, insert:

"K. Out of the amounts in this item, \$250,000 from the general fund in the second year is provided to support the administrative requirements of forgiving overpayments of state unemployment insurance benefits pursuant to the passage of House Bill 2040 in the 2021 General Assembly."

Explanation:

(This amendment provides \$250,000 in the second year from the general fund to support any associated costs for the Virginia Employment Commission to forgive the overpayment of benefits under certain conditions. This funding is contingent on the passage of House Bill 2040 in the 2021 General Assembly.)

	Item 131 #3h	
Commerce and Trade	FY20-21	FY21-22
Virginia Employment Commission	\$0	\$300,000 GF

Language:

Page 125, line 13, strike "\$574,596,796" and insert "\$574,896,796".

Page 126, after line 19, insert:

"K. Out of the amounts in this item, \$300,000 from the general fund in the second year is provided to support the completion of an actuarial study to determine the expected tax rate and other costs for implementing a Paid Family and Medical Leave Program in Virginia. "

Explanation:

(This amendment provides \$300,000 from the general fund in the second year for the Virginia Employment Commission to complete an actuarial study to better understand the costs associated with the implementation of a Paid Family and Medical Leave program in Virginia. This is a recommendation of a recent study by the Chief Workforce Development Advisor on Paid Family and Medical Leave.)

	Item 135 #1h	
Commerce and Trade	FY20-21	FY21-22
Virginia Innovation Partnership Authority	\$400,000	\$1,000,000 GF

Language:

Page 128, line 27, strike "\$50,700,000" and insert "\$51,100,000".

Page 128, line 28, strike "\$40,450,000" and insert "\$41,450,000".

Committee Approved Amendments to House Bill 1800

Page 132, line 29, after "programmed" strike the remainder of the line, and insert "."

Page 132, strike lines 30 through 31, and insert:

"(iv) grants to CCAM for seedling research project costs that enable CCAM to market new research programs to prospective and existing industry members. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 39, after "facility." insert:

"These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, after line 39, insert:

"4. Out of the appropriation in this item, VIPA shall provide \$400,000 the first year and \$1,000,000 the second year from the general fund to CCAM for the purposes of: (i) attracting federal funds for research projects to be conducted at CCAM, including marketing, travel, grant proposal writing, and business development costs; (ii) matching funds for federal research programs; and (iii) federal research program costs not reimbursable on federal research awards. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 40, strike "4" and insert "5".

Page 132, line 42, strike "5" and insert "6".

Page 132, line 48, after "disbursements;" insert:

"(iv) all efforts and costs associated with obtaining federal research grants".

Page 132, line 48, strike "iv" and insert "v".

Explanation:

(This amendment increases general fund appropriations for the Commonwealth Center for Advanced Manufacturing (CCAM) by \$1.4 million over the biennium to attract federal research funds.)

Item 135 #2h

Commerce and Trade	FY20-21	FY21-22	
Virginia Innovation Partnership Authority	\$0	(\$500,000)	GF

Language:

Page 128, line 28, strike "\$40,450,000" and insert "\$39,950,000".

Explanation:

(This amendment adjusts administrative funding for the agency to fiscal year 2020 levels at \$3.4 million a year.)

Item 135 #3h

Commerce and Trade

Virginia Innovation Partnership Authority

Language

Language:

Page 132, strike lines 40 through 41.

Page 132, line 54, after "sites." strike remainder of the line.

Page 132, strike lines 55 through 57.

Page 133, strike line 1.

Page 133, line 2, strike "funds."

Page 133, after line 9, insert:

"3. Nothing shall prevent the Hub and certified Node sites from seeking matching funds for faculty recruitment and support for renovations and equipment from previous bond authorizations for higher education equipment or grant programs managed by the Authority, including but not limited to the Commonwealth Commercialization Fund. Certified institutions shall submit their funding request application to the Authority for review and authorization under the application procedures relevant for the program or bond authorization. After completing its review, VIPA shall approve or deny the request for an allocation of funds."

Page 133, line 10, strike "3" and insert "4".

Explanation:

(This amendment clarifies language included for the Commonwealth Cyber Initiative and removes legacy budget language related to the Commonwealth Center for Advanced Manufacturing.)

Item 137 #1h

Education

Department of Education, Central Office Operations

Language

Language:

Page 139, after line 29, insert:

"Q. The Department of Education shall report on its progress in implementing the recommendations identified in the "Feasibility Study of Developing an Early Childhood Mental Health Consultation Program", as directed by House Joint Resolution 51 (2020), and identify legislative, regulatory, budgetary, and other actions necessary to implement recommendations in such study. Such progress report shall be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than October 1, 2021."

Explanation:

(This amendment directs the Department of Education to submit a report on implementation of an early childhood mental health consultation program, and identify any barriers to implementation that may be addressed through legislative, regulatory or budgetary action.)

Committee Approved Amendments to House Bill 1800

Item 137 #2h

Education	FY20-21	FY21-22	
Department of Education, Central Office Operations	\$0	\$52,458,428	NGF

Language:

Page 135, line 32, strike "\$210,095,373" and insert "\$262,553,801".

Page 139, after line 29, insert:

"Q. Out of this appropriation, \$52,458,428 the second year from the federal Child Care and Development Fund is provided to temporarily expand the Child Care Subsidy Program, pursuant to the passage of House Bill 2206."

Explanation:

(This amendment appropriates \$52.5 million the second year from the federal Child Care and Development Fund (CCDF) to implement the provisions of House Bill 2206, which temporarily expands the Child Care Subsidy Program. Recently, additional CCDF funds became available to states through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (P.L. 116-260).)

Item 137 #3h

Education	FY20-21	FY21-22	
Department of Education, Central Office Operations	\$0	\$208,000	GF

Language:

Page 135, line 32, strike "\$210,095,373" and insert "\$210,303,373".

Page 139, after line 29, insert:

"Q. Out of the appropriations in this item, \$208,000 the second year from the general fund is provided to integrate Virginia's Career and Technical Education curriculum database and information system into the state's learning management system."

Explanation:

(This amendment provides \$208,000 the second year from the general fund to replace Virginia's Career and Technical Education (CTE) curriculum database and content management system managed by the Virginia CTE Resource Center. The previous CTE database, VERSO, suffered a crash and is no longer operable. The new system would be integrated into the state's learning management system and provide access for teachers, post-secondary institutions, families and business stakeholders to information including course competencies, credentials, workplace

learning guides, career pathways and workplace readiness skills aligned to the Standards of Learning and the Profile of a Virginia Graduate.)

Item 138 #1h

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 11, insert:

"6. The Department of Education shall collect and publish data annually from each private special education day school, by campus, on (i) the number of teachers who are not fully endorsed in the content that they are teaching; (ii) the number of teachers who have less than one year of classroom experience; (iii) the number of teachers who are provisionally licensed; (iv) the type of academic credentials attained by each teacher and in what subjects; (v) the number of career and technical education credentials conferred by each school on its graduating students in each of the three prior academic years; (vi) each school's accreditation status, including the accrediting body; and (vii) the number of incidents of restraint and seclusion occurring in each of the previous three academic years. The Department shall also publish a list of schools, by campus that do not submit complete data."

Explanation:

(This amendment implements recommendation 8 from the JLARC Report "Review of the Children's Services Act and Private Special Education Day School Costs".)

Item 138 #2h

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Board of Education shall develop and promulgate regulations for private special education day schools on restraint and seclusion that establish the same requirements for restraint and seclusion as those for public schools."

Explanation:

(This amendment implements recommendation 9 from the JLARC Report, "Review of the Children's Services Act and Private Special Education Day School Costs".)

Education

Department of Education, Central Office Operations

Language

Language:

Page 141, after line 14, insert:

"I. The Department of Education shall develop and implement a clear and comprehensive plan to improve its approach to monitoring Virginia's special education system on an ongoing basis. At a minimum, the plan shall clearly describe the department's procedures for effectively determining whether school divisions are complying with state and federal requirements pertaining to (i) identification and eligibility determination processes; (ii) individualized education program development and implementation; (iii) post-secondary transition planning; (iv) inclusion in academic and non-academic experiences and the use of discipline; and (v) special education staffing. The plan shall also propose actions to increase monitoring capacity and onsite visits with existing resources and by leveraging federal funding. The department shall submit its plan to the Senate Education and Health Committee, the House Education Committee and the Joint Legislative Audit and Review Commission no later than November 1, 2021.

J. The Department of Education shall revise its state special education complaint procedures and practices to ensure the department requires and enforces corrective actions that (i) achieve full and appropriate remedies for school divisions' non-compliance with special education laws and regulations, including, at a minimum, requiring school divisions to provide compensatory services to students with disabilities when it determines divisions did not provide legally obligated services; and (ii) ensure relevant personnel understand how to avoid similar non-compliance in the future.

K. The Department of Education shall develop clear and simplified guidance, in multiple languages, for families of students with disabilities explaining (i) the limitations of the applied studies diploma; (ii) key curriculum and testing decisions that reduce the likelihood their student will be able to obtain a standard diploma; and (iii) that pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

L. The Board of Education and the Department of Education shall develop and implement statewide standards, such as curriculum standards, for earning the applied studies diploma and require school divisions to implement these standards by the beginning of the 2022-23 school year."

Explanation:

(This amendment implements recommendations 10, 12, 21, and 27 from the JLARC report "K-12 Special Education in Virginia". These recommendations address (i) state monitoring of compliance with special education requirements, (ii) special education complaint procedures and practices, (iii) matters related to the applied studies diploma.)

Committee Approved Amendments to House Bill 1800

Item 138 #4h

Education	FY20-21	FY21-22	
Department of Education, Central Office Operations	\$0	\$105,000	GF

Language:

Page 139, line 30, strike "\$17,352,182" and insert "\$17,457,182".

Explanation:

(This amendment provides \$105,000 the second year from the general fund as a one-time appropriation to implement provisions in House Bill 2299 that would direct the Department of Education to develop training modules for IEP team members and to implement a plan to improve the agency's approach to oversight and technical assistance related to postsecondary transition planning for students with disabilities.)

Item 139 #1h

Education	FY20-21	FY21-22	
Department of Education, Central Office Operations	\$0	\$8,750,000	NGF

Language:

Page 141, line 15, strike "\$39,750,487" and insert "\$48,500,487".

Page 142, after line 3, insert:

"E. Out of this appropriation, \$8,750,000 the second year is appropriated from nongeneral funds for the purpose of developing the through year growth assessment system in grades 3-8 as provided in House Bill 2027."

Explanation:

(This amendment provides \$8.8 million the second year from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to implement the provisions of House Bill 2027 to restructure Standards of Learning assessments for mathematics and reading in grades 3-8 from a single end-of-year assessment to a growth assessment system that measures student progress above, at, and below grade level.)

Item 140 #1h

Education

Department of Education, Central Office Operations

Language

Language:

Page 142, after line 24, insert:

"C. The Department of Education shall develop a plan to implement an effective and appropriately-resourced school improvement program. The plan should specify the activities necessary for its Office of School Quality to provide effective support to school divisions in the school improvement program, and the number of state staff and funding required to effectively implement the planned activities. The plan should also define performance measures that will be used to evaluate the effectiveness of the services its Office of School Quality provides to school divisions and how it will evaluate performance compared to those measures and make changes as needed to ensure ongoing effectiveness. The department shall submit the plan for the state's more effective and appropriately-resourced school improvement program to the Board of Education and the Chairs of the House Education and Appropriations committees and Senate Education and Health and Finance and Appropriations committees no later than November 1, 2021."

Explanation:

(This language addresses recommendations 8, 9 and 10 from the JLARC report "Operations and Performance of the Virginia Department of Education".)

Item 141 #1h

Education

FY20-21

FY21-22

Department of Education, Central Office Operations

\$0

(\$1,000,000) GF

Language:

Page 142, line 26, strike "\$9,051,100" and insert "\$8,051,100".

Page 142, line 40, strike "and \$1,000,000 the second year".

Explanation:

(This amendment converts funding for a statewide contract for digital content development, online learning, and related support services into a direct grant in Item 144 for WHRO to operate the eMediaVA statewide digital content and online learning system. There is a companion amendment in Item 144.)

Item 142 #1h

Education

Department of Education, Central Office Operations

Language

Language:

Page 144, after line 28, insert:

"G. 1. The Board of Education shall review and update its regulations for general education K-12 teacher preparation programs to ensure graduates are required to demonstrate proficiency in (i) differentiating instruction for students depending on their needs; (ii) implementing effective models of collaborative instruction, including co-teaching; and (iii) understanding the goals and benefits of inclusive education for all students.

2. The Department of Education shall develop training for teachers seeking to renew their teaching license on the instruction of students with disabilities. The training shall include, at a minimum, strategies for differentiating instruction for students with disabilities, the role of the general education teacher in special education, the use of effective models of collaborative instruction, including co-teaching, and the goals and benefits of inclusive education for all students.

3. The Board of Education shall review and update its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of (i) key special education laws and regulations; (ii) IEP development; (iii) the roles and responsibilities of special education teachers; and (iv) appropriate behavior management practices."

Explanation:

(This amendment implements recommendations 15 ,16, and 17 from the JLARC report "Review of K-12 Special Education in Virginia.")

Item 142 #2h

Education

FY20-21

FY21-22

Department of Education, Central
Office Operations

\$0
0.00

\$395,991 GF
3.00 FTE

Language:

Page 143, line 48, strike "\$2,739,430" and insert "\$3,135,421".

Explanation:

(This amendment provides \$395,991 the second year from the general fund to establish three staff positions to implement provisions in House Bill 2299 related to development and implementation of a statewide strategic plan for recruiting and retaining special education

Committee Approved Amendments to House Bill 1800

teachers. This implements recommendation 19 from JLARC's review of K-12 Special Education in Virginia.)

Item 143 #1h

Education	FY20-21	FY21-22	
Department of Education, Central Office Operations	\$0	\$180,000	GF

Language:

Page 144, line 30, strike "\$22,466,177" and insert "\$22,646,177".

Page 146, after line 2, insert:

"J. Out of this appropriation, \$180,000 the second year from the general fund is provided for the Department of Education to develop and implement a pilot program to more comprehensively supervise school division compliance with a subset of key standards by requiring (i) the submission of more comprehensive compliance information, (ii) selective independent verification of compliance, (iii) monitoring of corrective action implementation, and (iv) analysis of compliance trends and issues. The department shall conduct the pilot program during the 2021-2022 school year and submit a report on the results to the Board of Education and House Education and Appropriations committees and Senate Education and Health and Finance and Appropriations committees no later than November 30, 2022."

Explanation:

(This amendment provides \$180,000 the second year from the general fund as a one-time appropriation to implement recommendation 3 and policy option 1 from the JLARC report "Operations and Performance of the Virginia Department of Education.")

Item 144 #1h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$300,000	GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,369,426".

Explanation:

(This amendment provides \$300,000 the second year from the general fund for the Literacy Lab - VPI Minority Educator Fellowship program. Embedded language in House Bill 1800, as introduced, provided \$300,000 for this program in the second year, however the total allocation for Item 144 was not updated to reflect the additional funds.)

Committee Approved Amendments to House Bill 1800

Item 144 #2h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$350,000	GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,419,426".

Page 146, line 39, strike "\$0" and insert "\$350,000".

Page 156, line 32, after "year" insert:

"and \$350,000 the second year".

Explanation:

(This amendment restores \$350,000 the second year from the general fund to support educational programming produced by Blue Ridge PBS.)

Item 144 #3h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$100,000	GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,169,426".

Page 148, after line 1, insert:

"Metropolitan Junior Baseball League \$0 \$100,000".

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$100,000 the second year from the general fund shall be provided to the Metropolitan Junior Baseball League to implement a program to encourage racial equity in Virginia's collegiate baseball programs, including academic supports for youth seeking to play collegiate baseball."

Explanation:

(This amendment is self-explanatory.)

Item 144 #4h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$30,000,000	NGF

Language:

Page 146, line 22, strike "\$43,069,426" and insert "\$73,069,426".

Committee Approved Amendments to House Bill 1800

Page 148, after line 1, insert:

"COVID-19 Learning Loss Remediation and Recovery Grants (ESSER) \$0 \$30,000,000

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$30,000,000 the second year is provided from nongeneral funds for grants to school divisions and other appropriate entities to address learning loss, remediation and recovery, and other student support needs related to the impact of COVID-19 on the public education system. Grants shall be awarded by the Department of Education, in consultation with a stakeholder workgroup convened to focus on remediation and recovery needs."

Explanation:

(This amendment appropriates \$30 million the second year from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to provide grants to address COVID-19 related learning loss and other student support needs.)

	Item 144 #5h	
Education	FY20-21	FY21-22
Direct Aid to Public Education	\$0	\$250,000 GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,319,426".

Page 146, line 34, unstrike "Active Learning Grants".

Page 146, line 34, delete "\$0" and insert "\$250,000".

Page 156, after line 31, insert:

"KK. Out of this appropriation, \$250,000.00 the second year from the general fund shall be provided for grants to school divisions for encouraging active-in class, remote and hybrid learning for students in pre-kindergarten through the second grade. School divisions seeking to apply for this grant shall submit a proposal to the Department of Education outlining the intended use of funds and a projected number of students to be served. The Department shall establish criteria for awarding these funds. The funds may be used to purchase a platform featuring on-demand activities that integrate math and English standards of learning content into movement-rich activities that can be used at school, home and on all devices (i.e, computers, tablets and phones)."

Explanation:

(This amendment provides \$250,000 the second year from the general fund to provide active learning grants. First year funding for this initiative was eliminated in Chapter 56, 2020 Special Session I.)

Item 144 #6h

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Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$332,000	GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$43,401,426".

Page 148, after line 1, insert:

"Holiday Lake 4-H Educational Center \$0 \$332,000".

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$332,000 is provided from the general fund in the second year for improvements to the Holiday Lake 4-H Educational Center in Appomattox County."

Explanation:

(This amendment provides \$332,000 from the general fund in the second year for improvements at the Holiday Lake 4-H Educational Center in Appomattox County, including accessibility upgrades and improvements to: the medical clinic, emergency generators, exterior security lighting, infrastructure and buildings, challenge course, and other equipment. The center is used as an emergency evacuation location for Appomattox County Public Schools.)

Item 144 #7h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$1,000,000	GF

Language:

Page 146, line 23, strike "\$43,069,426" and insert "\$44,069,426".

Page 148, after line 1, insert:

"eMediaVA \$0 \$1,000,000".

Page 157, after line 31, insert:

"UU. Out of this appropriation, \$1,000,000 is provided from the general fund in the second year for the Hampton Roads Education Telecommunications Association's eMediaVA program for statewide digital content development, online learning, and related support services. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards. The eMedia program shall incorporate consultation with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth."

Explanation:

(This amendment converts funding in Item 141 for a statewide contract for digital content

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development, online learning, and related support services into a direct grant for WHRO to operate the eMediaVA statewide digital content and online learning system. There is a companion amendment in Item 141.)

Item 145 #1h

Education

Direct Aid to Public Education

Language

Language:

Page 186, line 15, after "Item", insert:

"The Department of Education shall prioritize serving at-risk four-year-old children when executing the flexibility provisions in this paragraph."

Explanation:

(This amendment requires the Department of Education to prioritize serving at-risk four-year-old children when reallocating funds among components of the Virginia Preschool Initiative, such as the community provider add-on, and the at-risk three-year-old pilot program.)

Item 145 #2h

Education

FY20-21

FY21-22

Direct Aid to Public Education

(\$23,200,005)
\$23,200,000

\$0 GF
\$0 NGF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,722,644,546".

Page 158, line 47, strike "\$70,914,683" and insert "\$47,714,678".

Page 159, line 25, strike "\$539,221,986" and insert "\$516,021,981".

Page 159, line 41, strike "\$106,171,982" and insert "\$129,371,982".

Page 160, line 18, strike "\$685,031,123" and insert "\$708,231,123".

Page 168, line 24, strike "\$685,031,123" and insert "\$708,231,123".

Page 173, line 13, strike "\$70,914,683" and insert "\$47,714,678".

Page 173, line 14, strike "\$106,171,982" and insert "\$129,371,982".

Explanation:

(This amendment adjusts the Lottery Proceeds forecast to \$708.2 million the first year, representing an increase of \$23.2 million.)

Item 145 #3h

Committee Approved Amendments to House Bill 1800

Education	FY20-21	FY21-22
Direct Aid to Public Education	(\$30,000,000) \$30,000,000	\$0 GF \$0 NGF

Language:

Page 196, line 38, strike "\$299,373,461" and insert "\$269,373,461".

Page 196, line 39, after "fund" insert:

"and \$30,000,000 from the COVID-19 Relief Fund established in § 2.2-115.1 of the Code of Virginia".

Explanation:

(This amendment supplants \$30.0 million first year from the general fund provided for No Loss Payments with gray machine revenues.)

Item 145 #4h

Education	FY20-21	FY21-22
Direct Aid to Public Education	\$145,636	\$0 GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,722,790,187".

Page 158, line 45, strike "\$18,993,450" and insert "\$19,139,086".

Explanation:

(This technical amendment provides \$145,636 in the first year from the general fund for updating the Linwood Holton Academic Governor's School student enrollment.)

Item 145 #5h

Education	FY20-21	FY21-22
Direct Aid to Public Education	(\$2,500,000)	\$0 GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,720,144,551".

Page 159, line 10, strike "\$2,500,000" and insert "\$0".

Page 196, line 28, strike "\$2,500,000 the first year and".

Explanation:

(This amendment captures \$2.5 million in the first year from the general fund from the school meals expansion initiative. This first year allocation is no longer necessary, because the U.S.

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Department of Agriculture issued a waiver allowing all students to receive free meals for the 2020-2021 school year, regardless of income eligibility.)

Item 145 #6h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	(\$15,897,461)	\$0	GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,706,747,090".

Page 159, line 12, strike "\$88,303,142" and insert "\$72,405,681".

Page 181, line 27, strike "\$71,703,142" and insert "\$55,805,681".

Explanation:

(This technical amendment captures \$15.9 million in the first year from the general fund from the Virginia Preschool Initiative based on actual enrollment reported in the 2020-2021 school year.)

Item 145 #7h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$120,000	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,858,760,121".

Page 159, after line 22, insert:

"Albuterol and Valved Holding Chambers \$0 \$120,000".

Page 198, after line 4, insert:

"45. Out of this appropriation, \$120,000 the second year from the general fund is allocated to support the purchase of albuterol and valved holding chambers in the public schools of the Commonwealth."

Explanation:

(This amendment provides \$120,000 the second year from the general fund to support the purchase of albuterol and spacers for public schools in Virginia. House Bill 2019 will require undesignated stock albuterol inhalers to be maintained in every public school.)

Item 145 #8h

Education	FY20-21	FY21-22	
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Item 145 #10h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$151,664,434	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$8,010,304,555".

Page 158, strike line 43, and insert:

"Compensation Supplement \$0 \$231,688,929".

Page 175, strike lines 8 through 12, and insert:

"6) Out of the appropriation included in paragraph C.44. of this item, \$759,238 the second year from the Lottery Proceeds Fund are provided for a compensation supplement payment equal to 5.0 percent of base pay on July 1, 2021, for Regional Alternative Education Program instructional and support positions, as referenced in paragraph C. 44. of this item."

Page 191, strike lines 26 through 30, and insert:

"j. Out of the appropriation included in paragraph C. 44. of this item, \$1,032,609 the second year from the general fund is provided in the Academic Year Governor's School funding allocation to increase the per pupil amount the second year as an add-on for a compensation supplement payment equal to 5.0 percent of base pay on July 1, 2021, for Academic Year Governor's School instructional and support positions."

Page 197, strike lines 33 through 52.

Page 198, strike line 1, and insert:

"44. Compensation Supplement

a. Out of this appropriation, \$231,363,745 the second year from the general fund and \$759,238 the second year from the Lottery Proceeds Fund is provided for the state share of a payment equivalent to a 5.0 percent salary increase effective July 1, 2021, for SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, school counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$1,032,609 the second year from the general fund referenced in paragraph C. 27. j. for the Academic Year Governor's Schools for the state share of a payment of the following salary increases for instructional and support positions, and this amount includes \$759,238 the second year from the Lottery Proceeds Fund referenced in paragraph C. 9. f. 6) for Regional Alternative Education Programs for the state share of a payment of the following salary increases for instructional and support positions.

b. It is the intent that the instructional and support position salaries are increased in school divisions throughout the state by at least an average of 5.0 percent during the biennium. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 5.0 percent salary increase the second year for funded SOQ instructional and support positions, effective July 1, 2021, to school divisions that certify to the Department of Education that salary increases of a minimum average of 5.0 percent have been or will have been provided during the 2020-2022 biennium to instructional and support personnel. The state funds for which the

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division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of July 1, 2021, as the basis for the local match requirement for both funded SOQ instructional and support positions.

c. This funding is not intended as a mandate to increase salaries."

Explanation:

(This amendment provides \$231.4 million the second year from the general fund and \$759,238 the second year from the Lottery Proceeds fund to provide a 5.0 percent salary increase, effective July 1, 2021. This represents an addition of \$151.7 million the second year, to the convert the 2.0 percent bonus payment that was proposed in the budget as introduced to a 5.0 percent salary increase. To access these funds, school divisions must certify that salary increases an average of 5.0 percent will be provided during the 2020-22 biennium.)

Item 145 #11h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	\$0	\$13,227,009	GF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,871,867,130".
 Page 170, line 22, strike "10.6" and insert "18".

Explanation:

(This amendment provides \$13.2 million the second year from the general fund to increase the Cost of Competing Adjustment (COCA) for support positions in the school divisions in Planning District 8 and certain adjacent divisions specified in the Appropriation Act that are eligible to receive COCA funds. For the nine Planning District 8 school divisions, this action would increase the adjustment factor from 10.6% to 18%. For the nine adjacent school divisions, this action would increase the adjustment factor from 2.65% to 4.5%. This restores and expands funding that was eliminated in Chapter 56, 2020 Special Session I that would have increased the adjustment factors from 10.6% to 16% and 2.65% to 4%.)

Item 145 #12h

Education	FY20-21	FY21-22	
Direct Aid to Public Education	(\$64,685,038)	\$0	GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,657,959,513".

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Page 159, line 18, strike "\$299,373,461" and insert "\$234,688,423".

Page 196, line 38, strike "\$299,373,461" and insert "\$234,688,423".

Page 196, line 42, after "Special Session I." insert;

"In the first year, a deduction shall be applied to the no loss payments equal to 25% of the school division's federal Elementary and Secondary School Emergency Relief subgrant provided pursuant to § 313 (c) of the Consolidated Appropriations Act, 2021 (Public Law 116-260), however such deduction shall not exceed 25% of the no loss payment."

Explanation:

(This amendment provides \$234.7 million the first year and \$214.2 million the second year from the general fund for No Loss payments. These payments ensure no school division receives less state funding in either fiscal year than the calculated amount in Chapter 56, 2020 Special Session I. In the first year, such No Loss payments are reduced by an amount equal to 25 percent of each school division's ESSER II federal relief distribution, and such reduction is capped at 25% of the No Loss payment. The introduced budget proposed \$299.4 million for No Loss payments in the first year, however this was proposed prior to authorization of \$845.4 million in ESSER II subgrants to Virginia school divisions through the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021, which became law on December 27, 2020.)

Item 145 #13h

Education

FY20-21

FY21-22

Direct Aid to Public Education

(\$20,762,691)

\$1,760,266 GF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,701,881,860".

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,860,400,387".

Page 159, line 18, strike "\$299,373,461" and insert "\$278,610,770".

Page 159, line 18, strike "\$214,167,967" and insert "\$215,928,233".

Page 196, line 38, strike "\$299,373,461" and insert "\$278,610,770".

Page 196, line 38, strike "\$214,167,967" and insert "\$215,928,233".

Explanation:

(This amendment adjusts the funding for No Loss Payments as proposed in the introduced budget, based upon other proposed budget actions.)

Item 145 #14h

Education

FY20-21

FY21-22

Direct Aid to Public Education

\$20,108,688

\$9,919,464 GF

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Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,742,753,239".

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,868,559,585".

Page 158, line 47, strike "\$70,914,683" and "\$133,057,800" and insert: "\$91,023,371" and "\$142,977,264".

Page 159, line 41, strike "\$106,171,982" and "\$97,331,981" and insert: "\$86,063,294" and "\$87,412,517".

Page 160, line 4, strike "\$263,183,697" and "\$266,441,807" and insert: "\$283,292,385" and "\$276,361,271".

Page 173, line 13, strike "\$70,914,683" and insert: "\$91,023,371".

Page 173, line 14, strike "\$133,057,800" and insert: "\$142,977,264".

Page 173, line 15, strike "\$106,171,982" and "\$97,331,981" and insert: "\$86,063,294" and "\$87,412,517".

Page 194, line 43, strike "\$263,183,697" and insert: "\$283,292,385".

Page 194, line 44, strike "\$266,441,807" and insert: "\$276,361,271".

Page 194, line 46, strike "\$388.24" and "\$391.61" and insert: "\$417.91" and "\$406.19".

Explanation:

(This amendment adds \$20.1 million the first year and \$9.9 million the second year from the general fund to ensure 40 percent of Lottery Proceeds are dedicated to Infrastructure and Operations Per Pupil Payments, formerly known as Supplemental Lottery Per Pupil Allocations. The additional funding increases these Per Pupil Payments by approximately \$30 per pupil the first year and \$15 per pupil the second year.)

Item 145 #15h

Education	FY20-21	FY21-22
Direct Aid to Public Education	\$0	\$6,500,000 NGF

Language:

Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,865,140,121".

Page 159, after line 23, insert:

"Temporary Extension of Special Education Eligibility \$0 \$6,500,000".

Page 188, after line 20, insert:

"d. Temporary Extension of Special Education Eligibility

1. Out of this appropriation, \$6,500,000 the second year from nongeneral funds are provided to

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fund the state's share of costs for school divisions to provide one additional year of high school attendance for students with disabilities as provided in paragraph 2 below.

2. Notwithstanding the provisions of § 22.1-213 of the Code of Virginia or 8VAC20-81-10 of the Virginia Administrative Code or any other provision of law to the contrary, any student with a disability who receives special education and related services, reaches age 22 after September 30, 2020, and is scheduled to complete high school in the spring of 2021 shall be given the option for an extension to attend high school for the duration of the 2021–22 school year.

3. Payments to school divisions shall provide (i) an amount equal to the state's share of basic aid funding for any such student based on the composite index of local ability-to-pay, and (ii) an amount equal to the federal Individuals with Disabilities Education Act funding that the school division would have received if such student were eligible to receive a free appropriate public education under federal law.

4. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay."

Explanation:

(This amendment provides one additional year of education for students with disabilities who were 19 years of age or older and enrolled during the 2020-21 school year. The amendment provides \$6.5 million the second year from federal Elementary and Secondary School Emergency Relief funds authorized in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 to address the state share of per-pupil costs and costs that do not qualify under the federal Individuals with Disabilities Education Act.)

	Item 145 #16h	
Education	FY20-21	FY21-22
Direct Aid to Public Education	\$0	(\$2,113,055) GF

Language:

- Page 157, line 33, strike "\$7,858,640,121" and insert "\$7,856,527,066".
- Page 170, line 13, after "Area" insert:
"and teacher pay disparities with adjoining states".
- Page 170, line 17, strike "and the counties of Accomack and Northampton".
- Page 170, line 18, strike the first "and".
- Page 170, line 18, after "Culpeper" insert:
"Accomack, and Northampton".
- Page 170, line 21, strike "and the counties of Accomack and Northampton".

Explanation:

(This amendment provides \$627,671 in the second year from the general fund to apply the

partial Cost of Competing Adjustment (COCA) rate to Accomack and Northampton Counties, which is the rate applied to outlying Northern Virginia localities. The introduced budget included \$2.7 million to provide the full COCA rate to Accomack and Northampton Counties, which is the same rate applied to the core Northern Virginia localities in Planning District 8.)

Item 145 #17h

Education

Direct Aid to Public Education

Language

Language:

Page 188, line 6, after "c." insert "1."

Page 188, after line 20, insert:

"2. The Board of Education shall make recommendations for (i) appropriate staffing and funding levels necessary for State Operated Programs (SOP) in regional and local detention centers to provide a quality education program; (ii) implementation of appropriate efficiencies in staffing practices in such programs; (iii) statutory and regulatory changes needed to implement the Board's findings; and (iv) appropriate programs to redirect any potential savings realized from implementation of the Board's findings.

In developing such recommendations, the Board shall consider (i) the dramatic decrease in the Average Daily Population in detention centers over the course of two decades without a comparable decrease in state funding; (ii) establishing a system-wide staffing ratio that is comparable to those provided in Regional Alternative Education Programs and aligned with the staffing requirements provided in the federal Prison Rape Elimination Act; (iii) implementing efficiencies, such as sharing SOP instructional staff with participating school divisions, hiring part-time teachers and dually-certified teachers and principals, and utilizing a lead teacher in lieu of a full-time principal in programs with a low average daily population; (iv) changes to SOP operating agreements to facilitate more efficient staffing practices and to clarify the role of the state and school divisions in hiring and supervising SOP instructional staff; (v) increasing the use of enhanced distance learning; and (vi) the draft recommendations deliberated by the Commission on Youth from the 2020 study.

The Board shall convene a workgroup to assist in the development of such findings and recommendations and shall include staff members from the Senate Finance and Appropriations Committee, House Appropriations Committee, Department of Planning and Budget, the Virginia Department of Education, the Department of Juvenile Justice, President of the Virginia Juvenile Detention Association or his/her designee, the chair of the Virginia Commission on Youth or his/her designee, and other representatives the Board deems appropriate. Findings and recommendations shall be reported to the chairs of the House Appropriations Committee and the Senate Finance and Appropriations Committee by November 1, 2021."

Explanation:

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(This amendment directs the Board of Education to develop recommendations for funding state operated programs in local and regional juvenile detention centers, which have experienced a significant decline in population in recent decades without an accompanying adjustment to state funding levels. This is a Commission on Youth recommendation.)

Item 145 #18h

Education

Direct Aid to Public Education

Language

Language:

Page 191, line 18, strike "and".

Page 191, line 19, after "meetings", insert:

", and such goals and plan shall be published on the school's website".

Page 191, line 20, after "plan", insert:

", and such report shall be published on the school's website".

Explanation:

(This amendment requires each Academic Year Governor's School to post their diversity goals and implementation plans, and related annual progress reports to their websites. In 2020, language was added to the Appropriation Act requiring Academic Year Governor's Schools to (i) establish diversity goals for its student body and faculty, (ii) to develop a plan to meet such goals, and (iii) provide an annual progress report to the Governor including information about admissions processes, outreach and demographics; however, no requirement was included to make such information easily accessible to the public.)

Item 145 #19h

Education

Direct Aid to Public Education

Language

Language:

Page 169, after line 27, insert:

"31. Beginning in the second year, any school division that enrolls students in a full-time multidivision online provider (MOP) program, as defined in § 22.1-212.3 of the Code of Virginia, shall establish a separate school for such students and enroll such students in the separate school. Students who are not enrolled full-time in a MOP program shall not be enrolled in the same school as students enrolled in a full-time MOP program."

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Explanation:

(This amendment provides that students enrolled in full-time MOP programs shall be enrolled in a separate public school for public reporting purposes, effective with the 2021-22 school year. Currently, school divisions are permitted to enroll full-time MOP students in a traditional public school for public reporting purposes, although though these students typically do not receive instruction from the staff of the school and reside outside of the enrolling school division. This would ensure that the public reporting information for traditional public schools reflects the student body that physically attends such traditional public schools.)

Item 145 #20h

Education	FY20-21	FY21-22
Direct Aid to Public Education	\$51,072,241	\$0 NGF

Language:

Page 157, line 33, strike "\$7,722,644,551" and insert "\$7,773,716,792".

Page 159, after line 23, insert:

“Learning Loss Supplemental Payments \$51,072,241 \$0”.

Page 159, line 25, strike "\$539,221,986" and insert "\$590,294,227”.

Page 169, line 15, strike the second “and”.

Page 169, line 16, after “Intervention” insert:

“, and Learning Loss Supplemental Payments”.

Page 198, after line 4, insert:

"45. Learning Loss Supplemental Payments

A payment estimated at \$51,072,241 the first year from the COVID-19 Relief Fund established in § 2.2-115.1 of the Code of Virginia shall be disbursed by the Department of Education to school divisions to address learning loss and student needs resulting from the COVID-19 pandemic. The additional payment shall be based on the state's share of an add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive a total between 0.0 and 6.0 percent in additional basic aid per Free Lunch participant based on the composite index of local ability-to-pay, and no local match shall be required.

School divisions are required to spend these payments on eligible programs, including: (i) extending the school year, (ii) summer school, (iii) tutoring, remediation and recovery, (vi) counseling and other student supports, (v) assessments to determine student progress and the need for access to these programs, and (vi) other similar programs."

Explanation:

(This amendment provides \$51.1 million the first year from gray machine revenues to support

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learning losses resulting from the COVID-19 pandemic. These payments are distributed to school divisions based on the existing At-Risk Add-On formula, using an add-on range of 0% to 6%. No local match is required, and unexpended funds from the first year shall remain available in the second year. This amendment requires the Department of Education to include information on each school divisions' use of these funds in an annual report to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.)

Item 150 #1h

Higher Education	FY20-21	FY21-22	
State Council of Higher Education for Virginia	\$0	\$600,000	GF

Language:

Page 200, line 26, strike "\$105,568,934" and insert "\$106,168,934".
Page 202, line 10, strike "are not eligible to receive awards" and insert:
"are eligible to receive awards up to \$2,000".

Explanation:

(This amendment provides additional general fund to increase the tuition assistance grant (VTAG) award to reinstate student eligibility for a VTAG award for online and distance education programs at an amount reflective of the lower cost to deliver such programs.)

Item 150 #2h

Higher Education	FY20-21	FY21-22	
State Council of Higher Education for Virginia	\$0	\$200,000	GF

Language:

Page 200, line 26, strike "\$105,568,934" and insert "\$105,768,934".

Explanation:

(This amendment provides additional general fund in order to cover the cost of implementing House Bill 2123.)

Item 152 #1h

Higher Education	FY20-21	FY21-22	
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the pipeline of underrepresented minority faculty and postdoctoral researchers in the data science field. Growth of a diverse faculty is essential to the program meeting its full potential to advance social mobility in Virginia in this high impact field. William and Mary recognizes that the key to improving diversity throughout the data science field lies with focused investments in underrepresented minority faculty and researchers. The university's strong growth potential in data science is amplified by its interest and intent to work with partners like the Virginia Economic Development Partnership to meet the growing demands of industry and government stakeholders within the Commonwealth. A diverse faculty will stimulate innovation and embolden study by low-income and first-generation students, students of color, veterans, and others long excluded from technology industries.)

Item 164 #1h

Higher Education

Richard Bland College

Language

Language:

Page 214, strike line 47, and insert:

"In order to advance the goals of The Commonwealth of Virginia, The Virginia Plan for Higher Education and Richard Bland College,".

Page 214, line 48, strike "education,".

Page 214, line 50, strike "experiential learning, stackable credentials," and insert: "work-based learning".

Page 214, line 51, after "programs" strike the remainder of the line and insert:

"that lead to high-demand fields and industries critical to the economic development of the Petersburg region and Virginia. In addition, Richard Bland College may:".

Page 214, strike line 52.

Page 215, strike lines 1 through 5.

Page 215, after line 5, insert:

"1. Continue to explore new and expanded partnership opportunities with the College of William and Mary as well as identify potential new higher education partners to pursue shared services and other options for cost reduction and increased efficiencies for any non-core business functions of the college. Unitization of shared services functions in the areas of Collections, Enterprise Resource Program (ERP), Procurement, and Accounts Payable will reduce overhead expenses and enable re-investment in the College's core business;

2. Identify higher education partners to strategically merge and align academic programming to advance the credential and completion goals outlined in the Virginia Plan for Higher Education;".

Page 215, line 6, strike "1." and insert "3."

Page 215, strike lines 14 through 22.

Page 215, strike lines 33 through 41.

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Explanation:

(This amendment updates and makes some technical revisions to the authority Richard Bland College has to explore innovative partnerships and solutions in order to enhance educational opportunities for traditional and non-traditional students.)

Item 175 #1h

Higher Education	FY20-21	FY21-22	
James Madison University	\$0	\$4,000,000	GF

Language:

Page 222, line 41, strike "\$343,368,529" and insert "\$347,368,529".

Explanation:

(This amendment provides additional general fund to support in-state undergraduate enrollment growth and address the disparities of general fund support per in-state student relative to other public institutions.)

Item 183 #1h

Higher Education	FY20-21	FY21-22	
Norfolk State University	\$0	\$2,500,000	GF

Language:

Page 227, line 13, strike "\$100,293,110" and insert "\$102,793,110".

Explanation:

(This amendment provides \$2,500,000 in the second year from the general fund is designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University.)

Item 187 #1h

Higher Education	FY20-21	FY21-22	
Old Dominion University	\$0	\$2,500,000	GF

Language:

Page 230, line 6, strike "\$326,951,395" and insert "\$329,451,395".

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Explanation:

(This amendment provides \$2,500,000 in the second year from the general fund is designated for the development and operation of a joint School of Public Health in partnership with Old Dominion University and Norfolk State University.)

	Item 191 #1h		
Higher Education	FY20-21	FY21-22	
Radford University	\$0	\$8,000,000	GF

Language:

Page 233, line 41, strike "\$135,081,721" and insert "\$143,081,721".

Explanation:

(This amendment provides additional funding for operating support to further reduce tuition and fees for Virginians attending RUC to close the differential gap in tuition between the two campus sites. Increased investment by the Commonwealth would provide additional accessibility and affordability for Virginians enrolled in high-demand, high-paying health professions programs, and increase the number of health care professionals living and working in Southwest Virginia.)

	Item 205 #1h		
Higher Education	FY20-21	FY21-22	
University of Virginia	\$0	\$2,500,000	GF

Language:

Page 241, line 48, strike "\$578,028,122" and insert "\$580,528,122".

Page 242, line 12, strike the second "\$4,162,634" and insert "\$6,662,634".

Explanation:

(This amendment provides additional funding to support cancer research at the University of Virginia.)

	Item 205 #2h		
Higher Education	FY20-21	FY21-22	
University of Virginia	\$0	(\$1,000,000)	GF

Language:

Committee Approved Amendments to House Bill 1800

Page 241, line 48, strike "\$578,028,122" and insert "\$577,028,122".

Page 242, line 14, strike "\$4,112,500" and insert "\$3,112,500".

Explanation:

(This amendment defers a proposed increase in research consistent with Chapter 1289, 2020 Session of the General Assembly.)

	Item 210 #1h	
Higher Education	FY20-21	FY21-22
University of Virginia's College at Wise	\$0	\$810,912 GF

Language:

Page 244, line 6, strike "\$30,619,387" and insert "\$31,430,299".

Explanation:

(This amendment provides funds to expand the UVA Wise Nursing Program and provide expedited access to additional highly skilled health care providers. UVA Wise is proposing to partner with the University of Virginia's College of Nursing to bring their Family Nurse Practitioner (FNP) program to Wise. By delivering this program jointly it will expedite quicker program implementation, and bring a nationally renowned program in a "hands-on" rural setting at a less expensive cost than developing this needed program independently.)

	Item 214 #1h	
Higher Education	FY20-21	FY21-22
Virginia Commonwealth University	\$0	\$500,000 GF

Language:

Page 246, line 8, strike "\$661,732,918" and insert "\$662,232,918".

Page 247, line 15, after "G.", insert "1."

Page 247, after line 17, insert:

"2. Out of this appropriation, \$500,000 the second year from the general fund is designated for the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University to support the Research Institute for Social Equity (RISE) addressing issues of racism and racial equity in public policy."

Explanation:

(This amendment provides additional funding to confront racial equity and social justice work in public affairs. Specifically this investment will include; 1) enhancing racial equity research

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and analysis; 2) expanding social equity training and expanding career professionals dedicated to anti-racism work in public policy with a focus on the fields of criminal justice and emergency management; 3) expanding our Minority Political Leadership Institute; 4) the development of racial equity and social justice tools for government and non-profit agencies, advocacy groups and community members; and 5) expanding our collaboration with Virginia Union University.)

Item 216 #1h

Higher Education	FY20-21	FY21-22	
Virginia Commonwealth University	(\$5,000,000)	\$0	GF

Language:

Page 249, line 26, strike "\$331,699,678" and insert "\$326,699,678".

Page 249, line 39, strike "\$17,500,000" and insert "\$12,500,000".

Explanation:

(This amendment defers the first year increase in research.)

Item 220 #1h

Higher Education	FY20-21	FY21-22	
Virginia Community College System	\$0	\$296,314	GF

Language:

Page 251, line 14, strike "\$939,748,443" and insert "\$940,044,757".

Page 254, after line 11, insert:

"AA. Out of this appropriation, \$296,314 the second year from the general fund is designated for Southside Virginia Community College to implement the Solar Hands-On Instructional Network of Excellence (SHINE) workforce program."

Explanation:

(This amendment provides funding for Southside Virginia Community College to implement the Solar Hands-On Instructional Network of Excellence (SHINE) initiative. The initiative is a public-private partnership that provides training for for those seeking employment opportunities in the solar industry. The program identifies the timing and location of solar project development in Virginia and uses that information to focus its training toward job openings as they become available. This targeted approach to workforce training/development maximizes SHINE's ability to connect program graduates with sought-after jobs upon completion of the program.)

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Item 220 #2h

Higher Education	FY20-21	FY21-22	
Virginia Community College System	\$0	\$1,000,000	GF

Language:

Page 251, line 14, strike "\$939,748,443" and insert "\$940,748,443".

Page 254, after line 11, insert:

"AA. Out of this appropriation, \$1,000,000 the second year from the general fund is designated for health science and technology education at Virginia Western, New River and Dabney S. Lancaster Community Colleges."

Explanation:

(This amendment provides funding to support expansion of a program between Roanoke City, Roanoke County and Botetourt County Public Schools, Virginia Western Community College, Dabney S. Lancaster Community College, New River Community College, Radford University Carilion, and regional healthcare employers that creates a pipeline of high school students to address employer needs. All school divisions in the service region of each community college are participating in this program's curriculum.)

Item 220 #3h

Higher Education	FY20-21	FY21-22	
Virginia Community College System	\$0	\$413,689	GF

Language:

Page 251, line 14, strike "\$939,748,443" and insert "\$940,162,132".

Page 254, unstrike lines 2 through 6.

Page 254, line 2, strike "\$385,177" and insert "\$413,689".

Explanation:

(This amendment provides funding for two programs that have transferred to Virginia Western Community College as a result of the merger of Radford University and the Jefferson College of Health Sciences authorized in Chapter 60 of the 2019 Acts of Assembly.)

Item 221 #1h

Higher Education		
Virginia Community College System		Language

Language:

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Page 254, line 49, after "field", strike the remainder of the line and insert "."

Page 254, strike lines 50 through 53 and insert:

"A high-demand field means a discipline or field in which there is a shortage of skilled workers to fill current and anticipated additional job vacancies."

Page 254, unstrike line 54.

Page 255, unstrike lines 1 through 55.

Page 256, unstrike lines 1 through 55.

Page 257, unstrike lines 1 through 56.

Page 258, unstrike lines 1 through 27.

Page 258, line 28, after "2.", insert:

"a. The Virginia Board of Workforce Development, in consultation with the System, the Council, and the staffs of the House Committee on Appropriations and Senate Committee on Finance and Appropriations, shall make recommendations to the Governor and General Assembly, no later than December 1 of each year, for additions or other changes to the high-demand fields that qualify for financial assistance under the G3 Program."

Page 258, unstrike lines 34 through 36.

Page 258, strike lines 37 through 43.

Page 258, after line 53, insert:

"d. 1) In addition, healthcare workers, first responders and other essential workers as defined under Phase 1a and 1b of the Center for Disease Control (CDC) and Virginia Department of Health (VDH) and that are serving in the frontline of the COVID-19 pandemic shall be eligible for programs offered under the G-3 initiative that enhance or upgrade their skills at no cost during the period that is covered under the state of emergency and for two years thereafter."

Explanation:

(This amendment makes technical changes consistent with House Bill 2204 and provides training and programs under the G3 initiative free to healthcare workers, first responders and other essential workers as defined under Phase 1a and 1b of the Center for Disease Control (CDC) and Virginia Department of Health (VDH) and that are serving in the frontline of the COVID-19 pandemic while Virginia remains in a state of emergency for the pandemic and for two years thereafter.)

Item 234 #1h

Higher Education

FY20-21

FY21-22

Virginia Polytechnic Institute and State University

\$0

\$150,000 GF

Language:

Page 268, line 30, strike "\$2,757,350" and insert "\$2,907,350".

Explanation:

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(This amendment provides additional general fund to address funding per cadet difference at the Virginia Tech Corps of Cadets compared to VMI.)

Item 236 #1h

Higher Education	FY20-21	FY21-22	
Virginia Cooperative Extension and Agricultural Experiment Station	\$0	\$600,000	GF

Language:

Page 269, line 15, strike "\$93,864,832" and insert "\$94,464,832".

Page 269, after line 47, insert:

"F. Out of this appropriation, \$600,000 the second year from the general fund is designated to support extension programs for the on-going costs of internet connectivity (\$100,000) and to begin phasing in twelve additional extension agents (\$200,000) and six additional specialists (\$300,000). Funding for the equipment and technology upgrades which will enhance the quality of research and extension programming at the Agricultural Research and Extension Centers is contained in a separate item under the Higher Education Equipment Trust Fund (HEETF)."

Explanation:

(This amendment provides funding to support extension programs. This request is centered around Internet Connectivity, Modernization of Research Equipment, and Critical Personnel. Building resilience in our communities across the Commonwealth is fundamental to the mission of the Virginia Cooperative Extension and Agricultural Experiment Station (VCE/VAES). Supporting the economic prosperity, furthering research and discovery, and educating our citizens leads to greater prosperity in communities that have struggled to keep pace in an innovation-based economy.)

Item 244 #1h

Other Education	FY20-21	FY21-22	
Jamestown-Yorktown Foundation	\$0	\$471,820	GF

Language:

Page 275, line 8, strike "\$19,920,791" and insert "\$20,392,611".

Explanation:

(This amendment provides funding to support frontline personnel engaged in direct service delivery of museum and educational programming. The employees are currently employed in interpretation, on-site education, outreach education, and support services. These funds provide a competitive base salary and hourly rate for these employees relative to the local market and

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partially addresses retention challenges.)

Item 244 #2h

Other Education	FY20-21	FY21-22	
Jamestown-Yorktown Foundation	\$0	\$412,484	GF

Language:

Page 275, line 8, strike "\$19,920,791" and insert "\$20,333,275".

Explanation:

(This amendment provides funding to enhance digital marketing and social media capabilities to more closely align with the agency's mission, direct marketing dollars to support key marketing strategies, and the development, promotion and maintenance of a new, re-focused website. Marketing funds support non-general fund revenue generation that has historically provided 50 percent of the agency operating budget.)

Item 247 #1h

Other Education	FY20-21	FY21-22	
The Library Of Virginia	\$0	\$1,000,000	GF

Language:

Page 276, line 31, strike "\$17,233,584" and insert "\$18,233,584".

Explanation:

(This amendment provides funding to restore state aid to local public libraries eliminated in the introduced budget.)

Item 249 #1h

Other Education	FY20-21	FY21-22	
The Science Museum of Virginia	\$0	\$210,000	GF

Language:

Page 277, line 27, strike "\$10,672,679" and insert "\$10,882,679".

Explanation:

(This amendment provides funding for the Science Museum for security upgrades.)

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Item 253 #1h

Other Education	FY20-21	FY21-22	
Virginia Museum of Fine Arts	\$250,000	(\$10,000,000)	GF

Language:

Page 279, line 23, strike "\$43,642,883" and insert "\$43,892,883".

Page 279, line 23, strike "\$54,497,207" and insert "\$44,497,207".

Page 280, after line 4, insert:

"F. Out of this appropriation \$250,000 the first year and \$750,000 the second year is designated to begin planning the transformation of Monument Avenue in Richmond. The Virginia Museum of Fine Arts shall prepare a preliminary workplan and timeline and report to the Governor and General Assembly by November 1, 2021."

Explanation:

(This amendment provides funding for the planning of the transformation of Monument Avenue in Richmond.)

Item 253 #2h

Other Education	FY20-21	FY21-22	
Virginia Museum of Fine Arts	\$0	\$400,000	GF

Language:

Page 279, line 23, strike "\$54,497,207" and insert "\$54,897,207".

Explanation:

(This amendment provides additional funding to lease 25,000 square feet of storage space and make necessary information technology upgrades.)

Item 256 #1h

Higher Education	FY20-21	FY21-22	
New College Institute	\$0	\$100,000	GF

Language:

Page 281, line 20, strike "\$4,318,700" and insert "\$4,418,700".

Explanation:

(This amendment provides additional general fund for operating support.)

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Item 257 #1h

Higher Education	FY20-21	FY21-22	
Institute for Advanced Learning and Research	\$0	\$100,000	GF

Language:

Page 282, line 14, strike "\$6,415,193" and insert "\$6,515,193".

Explanation:

(This amendment provides additional general fund for operating support.)

Item 258 #1h

Higher Education	FY20-21	FY21-22	
Roanoke Higher Education Authority	\$0	\$100,000	GF

Language:

Page 282, line 43, strike "\$1,478,720" and insert "\$1,578,720".

Explanation:

(This amendment provides additional general fund for operating support.)

Item 259 #1h

Higher Education	FY20-21	FY21-22	
Southern Virginia Higher Education Center	\$0	\$100,000	GF

Language:

Page 283, line 8, strike "\$7,949,697" and insert "\$8,049,697".

Explanation:

(This amendment provides additional general fund for operating support.)

Item 260 #1h

Higher Education	FY20-21	FY21-22	
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Southwest Virginia Higher Education Center	\$0	\$100,000	GF
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Language:

Page 284, line 16, strike "\$3,386,650" and insert "\$3,486,650".

Explanation:

(This amendment provides additional general fund for operating support.)

Item 261 #1h

Higher Education	FY20-21	FY21-22	
Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC	(\$1,500,000)	(\$1,500,000)	GF

Language:

Page 284, line 47, strike "\$3,047,683" and insert "\$1,547,683".

Page 284, line 47, strike "\$3,047,683" and insert "\$1,547,683".

Page 285, strike lines 16 through 22 and insert:

"D. An amount of \$1,500,000 each year from the general fund is designated for the design, research, and development activities associated with a potential high performance data facility project from amounts appropriated under Item 112.A.1.of this act."

Explanation:

(This amendment provides \$1.5 million from the general fund each year will be provided under Economic Development Incentive payments for the design, research, and development activities associated with a potential high performance data facility project.)

Item 262.80 #1h

Higher Education	FY20-21	FY21-22	
Maintain Affordable Access	\$0	\$60,000,000	GF

Language:

Page 287, line 16, strike "\$0" and insert "\$60,000,000".

Page 287, strike lines 20 through 22 and insert:

"A. Out of this appropriation, \$60,000,000 each year from the general fund is designated to maintain affordable access to public colleges and universities. Institutions may use these funds for operational support, to enhance financial aid, or to address the impacts of the COVID-19 pandemic. For purposes of base budget development, these appropriated funds shall be

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transferred to the individual institution. Allocations from this item are as follows:

Institution	FY 2021 Allocation	FY 2022 Allocation
Christopher Newport University	\$2,400,000	\$2,400,000
College of William and Mary	3,500,000	3,500,000
James Madison University	5,700,000	5,700,000
Longwood University	1,500,000	1,500,000
University of Mary Washington	3,300,000	3,300,000
Norfolk State University	2,000,000	2,000,000
Radford University	4,900,000	4,900,000
University of Virginia	3,000,000	3,000,000
University of Virginia's College at Wise	1,000,000	1,000,000
Virginia Commonwealth University	10,000,000	10,000,000
Virginia Military Institute	1,000,000	1,000,000
Virginia Polytechnic Institute & State University	4,000,000	4,000,000
Virginia State University	1,700,000	1,700,000
Richard Bland College	1,000,000	1,000,000
Virginia Community College System	15,000,000	15,000,000
Total	\$60,000,000	\$60,000,000"

Page 287, strike lines 23 through 39.

Page 287, strike lines 40 through 41 and insert:

"B. Out of the allocation for the Virginia Community College System, \$4,000,000 the second year from the general fund is designated for additional advisors."

Page 287, after line 41, insert:

"C. Out of the appropriation contained in Item 299 N. of this act from federal funding provided under the Consolidated Appropriations Act, 2021 (P.L. 116-260), \$34,524,000 the first year is allocated for the costs of conducting COVID-19 tests at Virginia's public colleges and universities. Any unexpended balances shall be carried over to the second year of the biennium. Allocations for this item are as follows:

Institution	FY 2021 Allocation
Christopher Newport University	\$450,000
College of William and Mary	792,000
George Mason University	3,438,000
James Madison University	1,962,000
Longwood University	396,000
University of Mary Washington	396,000

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Norfolk State University	504,000
Old Dominion University	2,124,000
Radford University	1,062,000
University of Virginia	2,250,000
University of Virginia's College at Wise	180,000
Virginia Commonwealth University	2,718,000
Virginia Military Institute	144,000
Virginia Polytechnic Institute & State University	3,276,000
Virginia State University	396,000
Richard Bland College	216,000
Virginia Community College System	14,220,000
Total	\$34,524,000

D. To provide additional operational relief to institutions of higher education, the following reporting and procurement policies shall be modified accordingly:

1. Reporting requirements on intercollegiate athletic revenues and expenses, specifically related to the share of athletic revenues from school funds and student fees, as set out in § 23.1-1309, Code of Virginia, shall be temporarily suspended for fiscal years 2020, 2021, and 2022. For future reporting on fiscal year 2023 and beyond, fiscal years 2020, 2021, and 2022 shall be excluded from the calculated five-year rolling average of the change in generated revenue and student fees also outlined in § 23.1-1309, Code of Virginia.

2. Pursuant to Item 128 of this act, the Department of Small Business and Supplier Diversity shall create and streamline pathways for Virginia businesses to become and continue to be certified as Small, Women-owned, or Minority-owned Businesses, including but not limited to including vendors that meet federal or other states' designations, modifying income tax return disclosure requirements for sole proprietors, and streamlining and/or automating the recertification process.

3. Consistent with the 2019 updates to the Virginia Public Procurement Act, institutions of higher education that have entered into memoranda of understanding or management agreements with the state are permitted to conform their Request for Proposal advertising rules to that of § 2.2-4302.2.A.2.”

Explanation:

(This amendment addresses the funding needs of Virginia’s public colleges and universities to meet the challenges of the COVID-19 pandemic, support operations, and address access and affordability.)

Higher Education

Virginia College Building Authority

Language

Language:

Page 289, after line 19, insert:

"Virginia Cooperative Extension and Agricultural Experiment Station \$6,000,000".

Page 289, after line 45, insert:

F. Out of the allocations for the Virginia Cooperative Extension and Agricultural Experiment Station, \$1,550,000 the second year is designated for information technology upgrades and \$4,450,000 the second year is designated for equipment for the Agricultural Research and Extension Centers (ARECS)."

Explanation:

(This amendment provides equipment allocations to the Virginia Cooperative Extension and Agricultural Experiment Station as part of the Building Resilience initiative.)

Item 264 #1h

Finance

Secretary of Finance

Language

Language:

Page 291, line 31, strike "2020" and insert "2021".

Explanation:

(This amendment updates the report due date for the Debt Capacity Advisory Committee workgroup.)

Item 275 #1h

Finance

FY20-21

FY21-22

Department of Accounts Transfer
Payments

\$130,000,000

\$0 GF

Language:

Page 297, line 17, strike "\$89,027,631" and insert "\$219,027,631".

Page 297, line 25, strike "\$89,027,631" and insert "\$219,027,631".

Explanation:

(This amendment increases the deposit into the revenue reserve fund in fiscal year 2021 by

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\$130.0 million. Including this deposit, total reserves in the rainy day fund and revenue reserve would be approximately \$2.0 billion by the end of the biennium.)

Item 285 #1h

Finance	FY20-21	FY21-22	
Department of the Treasury	\$0	\$321,587	GF

Language:

Page 307, line 42, strike "\$35,394,705" and insert "\$35,716,292".

Page 308, after line 45, insert:

"J. Out of the amounts for this item \$321,587 the first year from the general fund shall be paid as a lump sum payment within 60 days of signing the release for the relief of Ms. Esther Thorne, pursuant to the passage of this act. \$15,000 shall be deducted from this award total and repaid to the Criminal Fund under the provisions provided in subsection C. of § [8.01-195.11](#) of the Code of Virginia."

Explanation:

(This amendment provides compensation for the wrongful incarceration of Ms. Esther Thorne.)

Item 288 #1h

Finance		Language
Treasury Board		

Language:

Page 312, after line 23, insert:

"Middle River Regional Jail-Expansion and Renovation \$24,125,430".

Page 312, line 30, strike "\$50,278,483" and insert "\$74,403,913".

Explanation:

(This amendment adds the Middle River Regional Jail expansion project to the current list of local and regional jail capital projects for which the Commonwealth will provide 25 percent reimbursement of eligible costs as approved by the Department of Corrections.)

Item 293 #1h

Health and Human Resources	FY20-21	FY21-22	
Children's Services Act	\$0	\$121,443	GF
	0.00	1.00	FTE

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Language:

Page 323, line 16, strike "\$2,059,796" and insert "\$2,181,239".

Page 324, after line 6, insert:

"D. The Office of Children's Services (OCS) shall report on the implementation of new statutory requirements pursuant to the passage of House Bill 2212. The report should be submitted to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021."

Explanation:

(This amendment adds funding to for the Office of Children's Services to implement new responsibilities for monitoring local program performance and working with local programs that underperform to strengthen their operations pursuant to the passage of House Bill 2212. It also adds language requiring the Office of Children's Services to report on the implementation of these new statutory responsibilities. This was a recommendation of Joint Legislative Audit and Review Commission report, Review of the Children's Services Act.)

Item 296 #1h

Health and Human Resources

FY20-21

FY21-22

Department of Health

0.00

30.00 FTE

Language:

Explanation:

(This amendment adds 30 full-time positions funded through nongeneral funds in the Virginia Department of Health's Office of Emergency Medical Services (OEMS). These positions would backfill the loss of positions based on implementation of the agency's shared business services. However, the positions are needed to enable the Office to work directly with the Regional Emergency Medical Services (EMS) Councils. Each Council maintains a Board of Directors but they are staffed by OEMS. In addition, the OEMS will have responsibility for directly managing two regional EMS councils (Shenandoah and Rappahannock). Funding will be shifted within the Office to cover the cost of the added positions.)

Item 296 #2h

Health and Human Resources

Department of Health

Language

Language:

Page 327. line 20, after "organizations.", insert:

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"The Virginia Department of Health shall develop and implement a plan to ensure timely quarterly distributions of Four for Life funding to the Virginia Association of Volunteer Rescue Squads beginning quarterly in May 2021."

Explanation:

(This amendment adds language ensuring the timely distribution of Four for Life funding to the Virginia Association of Volunteer Rescue Squads (VAVRS) on a quarterly basis. This past year, receipt of these funds has been inconsistent due to the adoption of the new Shared Business Services at the Department of Health, resulting in difficulties with cash flow for the VAVRS.)

Item 297 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$51,146	GF

Language:

Page 328, line 3, strike "\$16,001,106" and insert "\$16,052,252".

Explanation:

(This amendment provides \$51,146 the second year from the general fund for Office of the Chief Medical Examiner to convene a work group to develop a plan for the establishment of a Fetal and Infant Mortality Review Team (FIMRT) by December 1, 2021, pursuant to the passage of House Bill 1950.)

Item 299 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	(\$263,878)	GF
	\$0	\$263,878	NGF

Language:

Explanation:

(This amendment supplants \$263,878 the second year from the general fund for disease surveillance and investigation infrastructure improvements with a like amount of federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123).)

Item 299 #2h

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Health and Human Resources	FY20-21	FY21-22	
Department of Health	(\$722,472)	(\$1,444,944)	GF
	\$722,472	\$1,444,944	NGF

Language:

Explanation:

(This amendment supplants \$722,472 the first year and \$1.4 million the second year from the general fund for COVID-19 data modeling with a like amount of funds each year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) grant provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123).)

Item 299 #3h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	(\$59,123,029)	GF
	\$18,002,665	\$59,123,029	NGF

Language:

- Page 328, line 35, strike "\$140,808,393" and insert "\$158,811,058".
- Page 330, line 24, after ""\$30,184,899" insert:
"from the general fund and \$18,002,665 from nongeneral funds".
- "Page 330, line 25, strike "general fund " insert "nongeneral funds".
- Page 330 line 25, strike "when a" and insert "for".
- Page 330, line 25, after COVID-19, insert "."
- Page 330, line 26, strike "vaccine becomes available."

Explanation:

(This amendment provides an additional \$18.0 million in nongeneral funds the first year in addition to \$30.2 million from the general fund contained in the introduced budget (House Bill 1800, 2021 Session) for COVID-19 mass vaccination efforts. Language replaces \$59.1 million the second year funding from the general fund for mass vaccination efforts with \$59.1 million in nongeneral funds. The source of the nongeneral funds in each year is funding provided from the federal Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123).)

Item 299 #4h

Health and Human Resources	FY20-21	FY21-22	
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shall include such activity in its plan for the use of these funds to the Centers for Disease Control and Prevention."

Explanation:

(This amendment provides \$956,377 the second year from federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) grant funds provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) to implement the provision of House Bill 1989, upon passage. The bill provides for the development and implementation of a system for sharing information regarding confirmed cases of communicable diseases of public health threat with emergency medical services agencies in real time during a declared public health emergency. The information from the system would also be shared with the Emergency Medical Services Advisory Board and regional emergency medical services councils upon request, in order to protect the health and safety of emergency medical services personnel and the public.)

Item 299 #6h

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$45,653

\$182,610 NGF

Language:

Page 328, line 34, strike "\$140,808,393" and insert "\$140,854,046".

Page 328, line 34, strike "\$213,178,894" and insert "\$213,361,504".

Page 330, after line 42, insert:

"N. Out of this appropriation, \$45,653 the first year and \$182,610 the second year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) shall be used for COVID-19 surveillance and personal protective equipment for Department of Social Services licensing inspectors. The Virginia Department of Health shall include such activity in its plan for the use of these funds to the Centers for Disease Control and Prevention and transfer such funds to the Department of Social Services in accordance with Item 357 L. of this act."

Explanation:

(This amendment provides \$45,653 the first year and \$182,610 the second year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds for COVID-19 surveillance and personal protective equipment in the Department of Social Services (DSS) for licensing inspectors. The state recently received notice of additional ELC funds which were provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Language directs the Virginia Department of Health to include this activity in its plan to the Centers for Disease Control and

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Prevention and transfer such funds to DSS for this purpose.)

Item 299 #7h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$34,524,000	NGF

Language:

Page 328, line 34, strike "\$213,178,894" and insert "\$247,702,894".

Page 330, after line 42, insert:

"N. Out of this appropriation, \$34,524,000 from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds received through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) shall be used for COVID-19 testing and contact tracing at state institutions of higher education. The Virginia Department of Health shall include such activity in its plan for the use of these funds to the Centers for Disease Control and Prevention and transfer such funds to the state colleges and universities in accordance with Item 262.80 C. of this act."

Explanation:

(This amendment provides \$34.5 million the second year from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds for COVID-19 testing and contact tracing in state institutions of higher education. The state recently received notice of additional ELC funds which were provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Language is added directing the Virginia Department of Health to include this activity in its plan to the Centers for Disease Control and Prevention.)

Item 301 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$42,716	GF

Language:

Page 332, line 13, strike "\$163,353,397" and insert "\$163,396,113".

Explanation:

(This amendment provides \$42,716 from the general fund the second year for the establishment of the Rare Disease Advisory Council pursuant to House Bill 1995 passed in the 2021 Session.)

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Item 301 #2h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$375,000	GF

Language:

Page 332, line 13, strike "\$163,353,397" and insert "\$163,728,397".

Page 333, unstrike lines 11 through 13.

Page 333, line 11, strike "\$750,000 the first year and \$750,000", and insert "\$375,000".

Explanation:

(This amendment restores \$375,000 the second year from the general fund for the Virginia Sexual and Domestic Violence Prevention Fund, established in Chapters 912 and 913 of the 2020 Virginia Acts of Assembly. The Fund will be used to develop and support programs that prevent sexual and domestic violence through strategies that (i) promote healthy practices related to relationships, sexuality, and social-emotional development and (ii) counteract the factors associated with the initial perpetration of sexual and domestic violence. Funding for this item was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

Item 301 #3h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$500,000	GF
	0.00	0.50	FTE

Language:

Page 332, line 13, strike "\$163,353,397" and insert "\$163,853,397".

Page 332, line 40, after "C." insert "1."

Page 333, after line 18, insert:

"I. Out of this appropriation, \$305,000 the first year and \$805,000 the second year from the general fund is provided to for the comprehensive adult program for sickle cell disease."

Explanation:

(This amendment adds \$500,000 the second year from the general fund and half of a position for the comprehensive adult sickle cell disease (SCD) program. Language sets out total funding for this program. Chapter 1289, 2020 Acts of Assembly provided \$305,000 for adult sickle cell disease services. This amendment would bring the total funding in the second year to \$805,000.)

Item 302 #1h

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

\$181,298 GF

Language:

Page 333, line 20, strike "\$292,637,694" and insert "\$292,818,992".

Explanation:

(This amendment provides \$181,298 the second year from the general fund for the state's share of leased space for the Chesapeake Health Department. The local health department leases space in a new facility owned by the City of Chesapeake. This increase covers the added state share of the lease costs in fiscal year 2021.)

Item 302 #2h

Health and Human Resources

Department of Health

Language

Language:

Page 336, after line 16, insert:

"I.1. The Department of Health, in cooperation with the Department of Environmental Quality, shall work with the Middle Peninsula Planning District Commission to initiate a three-year pilot program to analyze an engineered septic unit that houses and treats all sewage effluent in a vertically elevated, self-contained unit suitable for areas with high water tables and flooding in Coastal Virginia. Such vertically elevated septic system, including holding tank and treatment unit, shall have no physical contact with land; shall be vertically elevated on columns, piers, or other structures that provide for the flow of surface water underneath the septic unit; shall be elevated above the storm surge and flood inundation levels; and shall be designed to meet pollution removal standards of the Department of Health and Department of Environmental Quality. The treated sewage discharge from the vertically elevated septic system may include surface, engineered wetland, or other appropriate discharge approaches that comply with regulations for alternative onsite sewage systems (12VAC5-613 et seq.). Such vertically elevated septic system shall be installed in an upland location in the Middle Peninsula outside of any designated Resource Protection Area or floodplain.

2. By December 1 of each year, the Middle Peninsula Planning District Commission shall submit a report to the Governor and General Assembly with the following information: (i) the feasibility of elevating the parts of septic systems vulnerable to rising sea levels; (ii) optimal system design, or range of designs, for vertically elevated septic systems capable of withstanding sea level rise and chronic flooding that meets effluent standards; (iii) recommendations for legal or regulatory changes, if any, to authorize the use of vertically

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elevated septic systems; (iv) recommendations for amending current septic system permit requirements to allow for the use of vertically elevated septic systems; (v) recommendations for financing the installation of vertically elevated septic systems; (vi) the expected date of completion of the pilot program; (vii) installation and projected average annual maintenance costs for a vertically elevated septic system over 10 years; and (viii) any other pertinent information."

Explanation:

(This amendment adds language directing the Virginia Department of Health (VDH) and Department of Environmental Quality, in partnership with the Middle Peninsula Planning District Commission, to initiate a three-year pilot program designed to study the use of engineered septic systems that house and treat sewage effluent in an elevated, self-contained unit suitable for areas with high water tables and susceptible to flooding in Coastal Virginia. A companion amendment in Item 114 provides funding to Middle Peninsula Planning District Commission for costs associated with the pilot program.)

Item 302 #3h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	(\$2,854,267)	GF
	\$0	\$2,854,267	NGF

Language:

Explanation:

(This amendment supplants \$2.9 million the second year from the general fund with a like amount of federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds for disease surveillance and investigation in the Virginia Department of Health. The state recently received notice of additional ELC funds which were provided through the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123).)

Item 303 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$393,801	GF

Language:

Page 336, line 19, strike "\$21,849,583" and insert "\$22,243,384".

Page 340, after line 32, insert:

"X. Out of this appropriation, \$393,801 the second year from the general fund shall be provided

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to develop a new data collection program to address prescription drug price transparency, pursuant to the passage of House Bill 2007. The department shall establish a contract for this service."

Explanation:

(This amendment provides \$393,801 the second year from the general fund to develop a new data collection program to address prescription drug price transparency, pursuant to the passage of House Bill 2007. The data would be used in combination with data already submitted to the Virginia All Payer Claims Database (APCD) to develop an annual online report that analyzes drivers of prescription drug prices. The legislation requires information that cannot be collected using the existing APCD layout and data fields. Costs decrease in the out-years to \$318,801 annually after subtracting one-time costs for the development of the system.)

Item 303 #2h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$40,000	GF

Language:

Page 336, line 19, strike "\$21,849,583" and insert "\$21,889,583".

Page 340, line 24, strike "\$20,000" and insert "\$60,000".

Explanation:

(This amendment provides an additional \$40,000 the second year from the general fund for the Special Olympics Virginia Healthy Athlete Program. The introduced budget provided an additional \$10,000 to the existing appropriation of \$10,000 for fiscal year 2022. With the additional funding in this amendment, the program will receive \$60,000 in fiscal year 2022.)

Item 307 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Health	\$0	\$151,180	GF

Language:

Page 341, line 27, strike "\$38,204,545" and insert "\$38,355,725".

Explanation:

(This amendment provides \$20,000 from the general fund the second year for the fiscal impact of House Bill 2111, passed in the 2021 Session, which requires the State Health Commissioner to establish a Task Force on Maternal Health Data and Quality Measures for the purpose of evaluating maternal health data collection to guide policies in the Commonwealth to improve

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maternal care, quality, and outcomes for all birthing people in the Commonwealth. The Task Force shall report its findings and conclusions to the Governor and General Assembly by December 1 of each year regarding its activities and shall conclude its work by December 1, 2023.)

Item 307 #2h

Health and Human Resources

FY20-21

FY21-22

Department of Health

\$0

(\$6,000,000) GF

Language:

Page 341, line 27, strike "\$38,204,545" and insert "\$32,204,545".

Page 343, line 1, strike "12,500,000" and insert "6,500,000".

Explanation:

(This amendment reduces \$6.0 million the second year from the general fund for the Virginia Department of Health's communication campaign in response to the COVID-19 pandemic. This action will provide \$6.5 million from the general fund each year of the biennium for these efforts.)

Item 307 #3h

Health and Human Resources

Department of Health

Language

Language:

Page 343, after line 10, insert:

"I. The Commissioner of Health (VDH) shall establish a task force to assist with the promulgation of regulations and the certification process of doulas, as well as to serve as an informational resource for policy related matters for the Virginia Department of Health (VDH). The task force will include private provider organizations such as Birth in Color RVA, Urban Baby Beginnings, Motherhood Collective and any other organization or agency representatives deemed appropriate by VDH."

Explanation:

(This amendment adds language requiring the Commissioner of Health to develop a task force on Doula certification, regulations and other related issues.)

Item 309 #1h

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Health and Human Resources	FY20-21	FY21-22	
Department of Health Professions	0.00	2.00	FTE

Language:

Explanation:

(This amendment provides two additional positions in the Board of Pharmacy pursuant to the fiscal impact statement for House Bill 1988 to administer the operations of the pharmaceutical processor program.)

Item 309 #2h

Health and Human Resources	FY20-21	FY21-22	
Department of Health Professions	\$0	\$66,000	NGF
	0.00	1.00	FTE

Language:

Page 343, line 34, strike "\$36,027,084" and insert "\$36,093,084".

Explanation:

(This amendment provides \$66,000 from nongeneral funds and one position in the Department of Health Professions for the establishment of a new license category for certified midwives (CMs), pursuant to House Bill 1953 introduced during the 2021 Session.)

Item 312 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$11,136,631	GF
	\$0	\$20,682,315	NGF

Language:

Page 344, line 38, strike "\$250,286,516" and insert "\$282,105,462".

Page 345, after line 37, insert:

"H. The Department of Medical Assistance Services shall amend the Virginia Family Access to Medical Insurance Security (FAMIS) State Plan to allow the payment for prenatal care for all children regardless of the expectant mother's status, pursuant to provisions in Title XXI of the

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federal 2009 CHIP Reauthorization Act that includes care of all children who upon birth will be U.S. citizens, U.S. nationals, or qualified aliens. The Department shall have the authority to implement this change effective July 1, 2021, or consistent with the effective date in the State Plan Amendment approved by the Centers for Medicare and Medicaid Services (CMS), and prior to completion of any regulatory process."

Explanation:

(This amendment adds \$11.1 million from the general fund the second year and \$20.7 million from federal matching funds and language extending the provision for the payment of prenatal care for pregnant women through the Virginia Family Access to Medical Insurance Security (FAMIS) program regardless of the expectant mother's status, pursuant to provisions in Title XXI of the federal 2009 CHIP Reauthorization Act that includes care of all children without regard for an expectant mother's citizenship status who would otherwise be eligible under state requirements. A companion amendment in the Medicaid program (Item 313) reduces expenditures by \$13.4 million general fund and \$13.4 million in matching federal Medicaid funds based on the adoption of this change. Consequently, the provision of these services results in a savings of \$2,292,083 to the general fund and the receipt of \$7,253,601 more from matching federal funds for the CHIP program, which has a higher federal match rate than the Medicaid program.)

Item 312 #2h

Health and Human Resources	FY20-21	FY21-22
Department of Medical Assistance Services	(\$1,834,183) \$1,834,183	\$0 GF \$0 NGF

Language:

Explanation:

(This amendment recognizes savings in the Family Access to Medical Insurance Security (FAMIS) program of \$1.8 million the first year which is offset by \$3.4 million in matching federal funds due to the continuation of a 6.2% enhanced federal medical assistance percentage (eFMAP) in a fourth quarter of fiscal year 2021, received in response to the economic impact of the Coronavirus Pandemic authorized in the federal Families First Coronavirus Response Act. The enhanced match rate is in effect through each quarter of the declared federal public health emergency.)

Item 313 #1h

Health and Human Resources	FY20-21	FY21-22
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Department of Medical Assistance Services	(\$114,851,105) \$147,366,030	\$23,714,347 \$23,714,347	GF NGF
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Language:

Page 345, line 39, strike "\$16,291,925,668" and insert "\$16,324,440,593".
 Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,542,352,009".

Explanation:

(This amendment recognizes savings of \$114.0 to the general fund offset by \$114.0 million in matching federal Medicaid funds the first year due to the continuation of the fourth quarter of a 6.2% enhanced federal medical assistance percentage (eFMAP) received in response to the economic impact of the Coronavirus Pandemic authorized in the federal Families First Coronavirus Response Act. In order to receive the eFMAP as authorized, states are required to maintain the eligibility of individuals enrolled during declared federal public health emergency. The continued maintenance of effort requires the addition of \$23.7 million from the general fund which is matched by \$23.7 million in federal Medicaid funds the second year.)

Item 313 #2h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0 \$0	\$506,903 \$506,903	GF NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,937,121".
 Page 374, unstrike lines 24 through 32.
 Page 374, line 31, strike "2020" and insert "2021".

Explanation:

(This amendment restores funding for the year and language for funding nursing facilities that provide services to special populations. Language is modified to make this effective July 1, 2021. Funding for this item was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly. Currently, only one nursing facility, the Virginia Home, would meet the criteria to qualify for additional funding pursuant to the reimbursement methodology change.)

Item 313 #3h

Health and Human Resources	
Department of Medical Assistance Services	Language

Language:

Page 382, after line 17, insert:

"AAAAAA.1. The Department of Medical Assistance Services, shall convene a work group to plan for implementing a pilot program to provide mobile vision clinic services to Medicaid, FAMIS and MCHIP children in a school-based setting. The work group shall be comprised of Medicaid managed care organizations, mobile vision providers, school districts with and without these services, the Virginia Department of Education and others as appropriate. The work group shall determine the scope and design of the pilot program, including (i) the referral process for initial and follow-up services (ii) who shall provide the services, (iii) how parents or legal guardians will be notified, (iv) the role of school districts and the Department of Education in screening and referring children to the program, (iv) reimbursement rates for services that consider access, quality, and cost effectiveness of services provided, (v) detailed cost estimates of the pilot program, and (vi) a mechanism for evaluating the pilot program, The Department shall report on the recommendations of the workgroup by October 15, 2021 to the Governor and General Assembly."

Explanation:

(This amendment adds language requiring the Department of Medical Assistance Services to convene a work group to develop a plan to implement a pilot program to provide mobile vision clinic services for Medicaid, FAMIS and MCHIP children in a school-based setting. Language requires the work group to report its recommendations by October 15, 2021.)

Item 313 #4h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$57,210	GF
	\$0	\$57,210	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,037,735".

Page 376, unstrike lines 29 through 34.

Explanation:

(This amendment restores \$57,210 from the general fund and \$57,210 from nongeneral funds the second year to increase the eligibility requirement for Virginians with disabilities to participate in the Medicaid Works program to 138 percent of the federal poverty level. Funding for this item was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

Item 313 #5h

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Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	(\$13,428,714)	GF
Services	\$0	(\$13,428,714)	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,468,065,887".

Explanation:

(This amendment captures savings of \$13.4 million from the general fund the second year and \$13.4 million from federal matching Medicaid funds from extending the provision for the payment of prenatal care for pregnant women in the Family Access to Medical Insurance Security (FAMIS) program regardless of the expectant mother's status, pursuant to provisions in Title XXI of the federal 2009 CHIP Reauthorization Act, that includes care of all children without regard for an expectant mother's citizenship status who would otherwise be eligible under state requirements. A companion amendment in the FAMIS program (Item 312) adds language and funding for this initiative. The provision of these services results in a net savings of \$2,292,083 to the general fund and the receipt of \$7,253,601 more from matching federal funds for the CHIP program, which has a higher federal match rate than the Medicaid program.)

Item 313 #6h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$53,247	GF
Services	\$0	\$103,361	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,079,923".

Page 382, after line 17, insert:

"AAAAAA. Effective July 1, 2021, the Department of Medical Assistance Services shall implement an orientation program for Medicaid personal care attendants."

Explanation:

(This amendment adds \$53,247 the second year from the general fund and \$103,361 in nongeneral funds from federal Medicaid matching dollars for the Department of Medical Assistance Services to develop and implement orientation training for Medicaid personal care attendants. Funding assumes lower training costs in fiscal year 2022 since it will occur primarily through electronic means. Annual costs in the next biennium would be higher if training is conducted in person at \$338,432 from the general fund and \$656,956 from the nongeneral fund.)

Item 313 #7h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$67,660	GF
Services	\$0	\$67,660	NGF
	0.00	1.00	FTE

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,058,635".

Page 382, after line 17, insert:

"AAAAAA. Effective July 1, 2021, the Department of Medical Assistance Services shall implement an orientation program for Medicaid personal care attendants."

Explanation:

(This amendment adds \$67,660 from the general fund and \$67,660 in federal matching Medicaid funds the second year and one position for the Department of Medical Assistance Services to develop and implement a provider training program for Doula service providers to learn how to explain patient access and bill for Medicaid benefits.)

Item 313 #8h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$41,645,055	GF
Services	\$0	\$41,645,055	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,578,213,425".

Page 380, line 10, after "LLLLL." insert "1."

Page 380, after line 17, insert:

"2.a. The Department of Medical Assistance Services (DMAS) shall work with appropriate nursing facility (NF) stakeholders and the CCC Plus managed care organizations (MCOs) to develop a unified, value-based purchasing (VBP) program that includes enhanced funding for facilities that meet or exceed performance and/or improvement thresholds as developed, reported, and consistently measured by DMAS in cooperation with participating facilities. The methodology and timing for the Virginia nursing facility VBP program, including structures for nursing facility performance accountability and disbursement of earned financial incentives, shall be completed no later than December 31, 2021, with the program targeted to begin no later than July 1, 2022. Nursing facility performance evaluation under the program shall prioritize maintenance of adequate staffing levels and avoidance of negative care events, such as hospital admissions and emergency department visits. The program may also consider performance

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evaluation in the areas of preventive care, utilization of home and community based services, including community transitions, and other relevant domains of care.

b. During the first year of this program, half of the available funding shall be distributed to participating nursing facilities to be invested in functions, staffing, and other efforts necessary to build their capacity to enhance the quality of care furnished to Medicaid members. The size of such payments shall be based on the nursing facility size as determined by the average number Medicaid members enrolled with the nursing facility. The remaining funding shall be allocated based on performance criteria as designated under the nursing facility VBP Program. The amount of funding devoted to nursing facility quality of care investments shall be 25% of available funding in the second year of the program before the program transitions to payments based solely on nursing facility performance criteria in the third year of the program. In the second year of this program, such funds as appropriated for this purpose shall be fully disbursed according to the aforementioned unified VBP arrangement to participating nursing facilities that qualify for the enhanced funding.

c. The department shall convene the stakeholders no less than annually through at least the first two years of the program to review program progress and discuss potential modifications to components of the arrangement, including, but not limited to, timing of enhanced payments, performance metrics, and threshold determinations. The department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate changes to state plan or relevant waivers thereof, and prior to the completion of any regulatory process undertaken to effect such change.”

Explanation:

(This amendment adds \$41.6 million the second year from the general fund and \$41.6 million in nongeneral funds to provide an increased payment add-on roughly equivalent to \$12 per day in fiscal year 2022. Language directs the Department of Medical Assistance Services to work with appropriate nursing facility stakeholders and the Medicaid CCC Plus managed care organizations to develop a unified, value-based purchasing program that includes enhanced funding for facilities that meet or exceed performance and/or improvement thresholds as developed, reported, and consistently measured by DMAS in cooperation with participating facilities. Priority areas targeted for improvement would be adequate staffing levels and avoidance of negative care events, such as hospital admissions and emergency department visits, among others. The value-based purchasing program would be implemented on July 1, 2022.)

	Item 313 #9h	
Health and Human Resources	FY20-21	FY21-22
Department of Medical Assistance Services	\$0	\$119,955 GF
	\$0	\$119,955 NGF

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Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,495,163,225".

Page 374, unstrike lines 14 through 23.

Page 374, line 22, strike "2020" and insert "2021".

Explanation:

(This amendment restores \$119,995 from the general fund the second year and a like amount of matching federal Medicaid funds and restores language to require the Department of Medical Assistance Services to modify nursing facility capital reimbursement for a nursing facility that lost its status as a hospital-based nursing facility because a replacement hospital was built in a different location and it became a free-standing facility. Language is modified to make this effective July 1, 2021. Funding for this purpose was provided in Chapter 1289, 2020 Acts of Assembly, unallotted in April, 2020 and eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

Item 313 #10h

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance
Services

\$0
\$0

\$2,250,000 GF
\$2,250,000 NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,499,423,315".

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to adjust the formula for indirect medical education (IME) reimbursement for managed care discharges for freestanding children's hospitals with greater than 50 percent Medicaid utilization ?in 2009 by increasing the case mix adjustment factor to 2.718. This increased case mix index (CMI) factor shall take precedence over future rebasing. Total payments for IME in combination with other payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 may not exceed the federal uncompensated care cost limit that disproportionate share hospital payments are subject to. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment adds funding and language directing the Department of Medical Assistance Services to adjust the formula used to calculate indirect medical education reimbursement for managed care discharges at Children's Hospital of the King's Daughters (CHKD). This change would partially restore CHKD's case mix index (CMI) factor, which had been reduced in fiscal year 2020. The change is intended to stabilize CHKD's IME funding levels so the hospital is

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not subject to dramatic fluctuations in future Medicaid payments that occur with rebasing and changes in federal policy, and would be consistent with historic levels of state support. The IME payments are a matched by the federal government on a 50/50 basis.)

Item 313 #11h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$36,694,163	GF
Services	\$0	\$38,138,845	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,569,756,323".

Page 376, line 3, strike "two" and insert "seven".

Page 376, after line, 5, insert:

"3. Effective January 1, 2022, the Department of Medical Assistance Services (DMAS) shall increase the average reimbursement rate for personal care, respite and companionship services provided in waiver programs to ensure compliance with the state's minimum wage, pursuant to Chapters 1146 and 1204 of the Code of Virginia. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment adds \$36.7 million from the general fund and \$38.1 million in federal Medicaid matching funds the second year to increase provider rates for personal care, respite care, and companionship services provided in Medicaid waiver programs by five percent effective July 1, 2021. This rate increase will supplement those increases provided in Chapter 1289, 2020 Acts of Assembly, which provided a five percent increase beginning July 1, 2020 and a scheduled two percent increase on July 1, 2021, bringing the total increase to seven percent in fiscal year 2022. Language is also added to provide the agency with the authority to increase these rates effective January 1, 2022 to comply with requirements to raise the minimum wage to \$11.00 per hour, pursuant to legislation adopted by the 2020 General Assembly.)

Item 313 #12h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance	\$0	\$1,017,162	GF
Services	\$0	\$1,502,838	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,497,443,315".

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Page 355, strike lines 10 through 54.

Page 356, strike lines 1 through 28 and insert:

"EE. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to merge the Commonwealth Coordinated Care Plus, Medallion 4.0, and FAMIS managed care programs into a single, streamlined managed care program that links seamlessly with the fee-for-service program. Such changes shall include CHIP State Plan and waiver amendments and other necessary authorities to align the children's programs by transitioning the separate CHIP/FAMIS population to a CHIP-Medicaid expansion children's group. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment provides \$1.0 million from the general fund and \$1.5 million in matching federal Medicaid funds and language authorizing the Department of Medical Assistance Services to seek federal authority to merge its managed care programs into a single streamlined program to provide the agency with the ability to operate a more efficient and effective managed care program and provide greater value to Medicaid beneficiaries, providers and managed care organizations. This funding will be used to cover systems changes and other up front administrative costs to effect the changes.)

Item 313 #13h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$3,443,865	GF
	\$0	\$3,443,865	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,501,811,045".

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall seek federal authority through waiver and State Plan amendments under Title XIX of the Social Security Act to provide sick leave to providers of consumer-directed personal, respite or companion care pursuant to the passage of House Bill 2137."

Explanation:

(This amendment provides \$3.3 million from the general fund and \$3.3 million in matching federal Medicaid funds the second year to provide sick leave to Medicaid providers of consumer-directed personal, respite or companion care, pursuant to the passage of House Bill 2137. Language directs the Medicaid agency to seek federal authority through a waiver and State Medical Assistance Plan amendments, which would enable the state to obtain federal matching funds for this purpose.)

Item 313 #14h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	(\$10,062,988)	GF
	\$0	(\$38,332)	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,484,821,995".

Explanation:

(This amendment recognizes \$10.1 million in general fund savings and \$38,332 in nongeneral fund savings the second year from a six-month delay in redesign and enhancement of Medicaid behavioral health services to provide a continuum of care that is evidence-based, trauma-informed and cost effective. Funding for this effort was restored in the 2020 Special Session I, but the six-month delay in the implementation of these services will generate a one-time savings in fiscal year 2022.)

Item 313 #15h

Health and Human Resources	FY20-21	FY21-22	
Department of Medical Assistance Services	\$0	\$1,319,515	GF
	\$0	\$3,798,129	NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,500,040,959".

Page 391, after line 24, insert:

"II. Out of this appropriation, \$1,319,515 the second year from the general fund and \$3,798,129 from nongeneral funds is provided to support the Emergency Department Care Coordination Program (EDCC). The Department of Medical Assistance Services, in cooperation with the Virginia Department of Health, shall establish a work group comprised of the EDCC contractor, the Virginia Health Information, Medicaid and commercial managed care organizations, health systems with emergency departments and emergency department physicians to optimize the use of the system and any enhancements to the system to facilitate communication and collaboration among physicians, other healthcare providers and other clinical and care management personnel about patients receiving services in hospital emergency departments for the purpose of improving the quality of care. The work group shall determine how to best measure performance of the system, identify utilization trends and outcomes, and make any recommendations for system improvements to the Governor and General Assembly by December 1, 2021."

Explanation:

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(This amendment adds \$1.3 million from the general fund and \$3.8 million from enhanced federal Medicaid Management Information Systems matching funds to continue funding for the Emergency Department Care Coordination (EDCC) Program and complete several enhancements which should result in cost savings to the Commonwealth and higher quality care for Medicaid and FAMIS beneficiaries. The 2017 General Assembly established the EDCC program to provide a single, statewide technology solution that connects all hospital emergency departments in the Commonwealth to facilitate real-time communication and collaboration among physicians, other healthcare providers and other clinical and care management personnel for patients receiving services in hospital emergency departments for the purpose of improving the quality of patient care services. The program also integrates the state's Prescription Monitoring Program and the Advance Healthcare Directive Registry. To date, 100% of hospital Emergency Departments and health plans participate in the EDCC Program. The program has been successful in supporting a reduction in opioid overdoses since its implementation and has been critical in coordinating responses to the COVID-19 pandemic. The program has been funded through federal HITECH funding which provides a 90% federal match rate, but the federal funding will end on September 30, 2021. The amendment leverages available federal Medicaid Management Information Systems funding to complete the system enhancements at a 75% federal match rate. Language also requires the development of a work group to make recommendations for system improvements by December 1, 2021.)

Item 313 #16h

Health and Human Resources	FY20-21	FY21-22
Department of Medical Assistance Services	(\$39,388,787) \$39,388,787	\$0 GF \$0 NGF

Language:

Page 346. line 54. strike "527,992,971" and insert "567,381,758".

Explanation:

(This amendment reflects the savings to the general fund in the first year from the receipt of \$39.4 million in increased revenue in the Virginia Health Care Fund. The increased revenue is due to the receipt of escrow funds from a cigarette manufacturer that did not participate in the 1998 Tobacco Mater Settlement Agreement with state Attorney Generals (termed non-participating manufacturer or NPM) and instead made payments into an escrow fund as required by the Code of Virginia. This NPM is closing and has chosen to assign rights to its escrow funds as permitted by statute in return for the right to retain a portion of those funds. For Virginia, this represents a one-time unanticipated payment of \$39,388,787.20, which is required to be deposited into the Virginia Health Care Fund pursuant to § 3.2-4203 of the Code of Virginia.)

Item 313 #17h

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for the current procedural terminology (CPT) codes for Applied Behavior Analysis that were added to the CPT list in January, 2019, or any future updates to this code set. The Department of Medical Assistance Services (DMAS) shall have the authority to implement related programmatic changes to service definitions, prior authorization and utilization review criteria, provider qualifications, and reimbursement rates for the Behavioral Therapy Program. The department shall have the authority to implement these changes effective December 1, 2022, and prior to completion of any regulatory process to effect such changes."

Explanation:

(This amendment adds Medicaid coverage for Applied Behavioral Analysis services that were added to current procedural terminology costs in January 2019 and provides authority to the Department of Medical Assistance Services to make changes based on future updates, including necessary changes to rates, service definitions, and other programmatic requirements.)

Item 313 #18h

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services (DMAS) , in coordination with the Department of Behavioral Health and Developmental Services (DBHDS), shall submit a request to U.S. Centers for Medicare and Medicaid (CMS) to amend its 1915(c) Home & Community-Based Services (HCBS) waivers to allow telehealth and virtual and/or distance learning as a permanent service option and accommodation for individuals on the Community Living, Family and Individual Services and Building Independence Waivers. The amendment, at a minimum, shall include all services currently authorized for telehealth and virtual options during the COVID-19 pandemic. The Departments shall actively work with the established DMAS Developmental Disability (DD) Waiver Advisory Committee and other appropriate stakeholders in the development of the amendment including service elements and rate

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methodologies. The Department shall have the authority to implement these changes prior to the completion of the regulatory process."

Explanation:

(This amendment adds language the Department of Medical Assistance Services to request amendments from the federal CMS to the Home and Community Based Services Waivers to permanently continue telehealth and virtual and/or distance learning as service options for disabled individuals receiving these waiver services.)

Item 313 #19h

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services (DMAS) shall research the implications of eliminating restrictive Medicaid eligibility requirements through a "1634 agreement" with the Social Security Administration (SSA) which will allow for automatic enrollment of Supplemental Security Income (SSI) recipients into Virginia's Medicaid program as categorically eligible individuals. DMAS shall report on its findings, including cost and programmatic changes that would be necessary to effect such changes by October 1, 2021 to the Governor and General Assembly."

Explanation:

(This amendment adds language requiring DMAS to research and report on the costs and program changes which would be necessary to allow all Supplemental Security Income recipients to become automatically enrolled in the Medicaid program. Currently, Medicaid enrollment is not automatic for this population and they must meet income and resource requirements to become eligible for Medicaid.)

Item 313 #20h

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance Services

\$0

\$2,524,680 NGF

Language:

Page 345, line 39, strike "\$17,494,923,315" and insert "\$17,497,447,995".

Page 364, after line 2, insert:

"9. The department shall amend the State plan for Medical Assistance to implement a

supplemental inpatient payment for Lake Taylor Transitional Care Hospital based on the difference between Medicaid reimbursement and the inpatient Upper Payment Limit for non-state government owned hospitals. The department shall include in its contracts with managed care organizations a percentage increase for Lake Taylor Transitional Care Hospital consistent with the fee for service supplemental payment percentage increase. The department shall adjust capitation payments to Medicaid managed care organizations to fund this percentage increase. Both the contract changes and capitation rate adjustments shall be compliant with 42 C.F.R. 438.6(c)(1)(iii) and subject to CMS approval. Prior to submitting the State Plan Amendment or making the managed care contract changes, Lake Taylor Transitional Care Hospital shall enter into an agreement with the department to transfer the non-federal share for these payments. The department shall have the authority to implement these reimbursement changes consistent with the effective date(s) approved by the Centers for Medicare and Medicaid (CMS). No payments shall be made without CMS approval. The originating funding for this program will come entirely from Lake Taylor for Lake Taylor."

Explanation:

(This amendment provides \$2.5 million the second year from nongeneral Medicaid funds to increase payments to Lake Taylor Transitional Care Hospital, a non-state government operated hospital located in Norfolk, Virginia. Language allows the Department of Medical Assistance Services to make a supplemental payment for allowable costs and adjust capitation payments to be consistent with the fee for service supplemental payment percentage increase. Language requires the hospital to provide the funding to match the federal reimbursement for the supplemental payment.)

Item 313 #21h

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 380, line 10, after "LLLLL." insert "1."

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall defer the next scheduled nursing facility rate rebasing for one year in order to utilize the calendar year 2021 cost reports as the base year. The deferred year's rates would reflect the prior year rates inflated according to the existing reimbursement regulations. The department shall have the authority to implement these changes effective July 1, 2021 and prior to the completion of any regulatory process undertaken in order to effect such change."

Explanation:

(This amendment adds language directing the Department of Medical Assistance Services to defer nursing home rebasing until it is able to use 2021 cost reports in the rebasing process.

Under the current rebasing schedule, cost reports ending in calendar year (CY) 2020 will be the basis of the next nursing facility rate rebasing. Due to the COVID-19 pandemic, the 2020 base year cost reports will contain significant variable data that reflects a mixture of increased costs (some permanent, others temporary) and reduced occupancy. It is possible that the department would determine a “need” to make artificial adjustments to that data, though there is little certainty and potential disagreement over what those adjustments might be. Given the COVID-19 vaccination program, it is expected that the 2021 cost reports would not be as affected by the increased costs associated with the COVID-19 pandemic, and would better reflect ongoing Medicaid costs as a basis for the next rebasing.)

Item 313 #22h

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Department of Medical Assistance Services shall analyze utilization of Transportation Network Company (TNC) Type II Non Emergency Medicaid Transportation (NEMT) providers by the Medicaid fee-for-service program and the department's contracted Medicaid managed care organizations. The department shall identify any barriers to patient access to TNC Type II NEMT services. In its review of barriers to accessing TNC Type II NEMT benefits, the department shall identify any gaps in TNC Type II service contracting between the department's contracted MCOs, or their transportation brokers and TNC Type II NEMT providers. Additionally, the department shall examine the eligible patient population for TNC Type II NEMT services to ensure all clinically indicated Medicaid beneficiaries are eligible for TNC Type II NEMT services. Further, the department shall examine the necessity of TNC Type II operating requirements and identify any extraneous service requirements limiting TNC Type II services. The department shall report its findings and recommendations to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 1, 2021."

Explanation:

(This amendment adds language requiring the Department of Medical Assistance Services to analyze utilization of Non Emergency Medicaid Transportation Transportation Network Company Type II providers in the Medicaid fee-for-service and managed care programs to determine if barriers to access exist, if contracts result in service gaps, and if any existing requirements limit the provision of these types of services to eligible Medicaid beneficiaries. The agency is required to report findings and recommendation by October 21, 2021 to the Chairs of the money committees.)

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 382, after line 17, insert:

"AAAAAA. The Director, Department of Planning and Budget, shall, on or before June 30, 2022, unallot \$208,025,981, from the general fund in this item, which reflects the net enhanced federal medical assistance percentage estimated to be received for the first two quarters of fiscal year 2022, pursuant to the the federal Families First Coronavirus Response Act, (P.L. 116-127)."

Explanation:

((This amendment recognizes savings of \$208.0 million to the general fund caid funds the second year based on the continuation of a 6.2% enhanced federal medical assistance percentage (eFMAP) to be received for the first two quarters in fiscal year 2022 in response to the economic impact of the Coronavirus Pandemic, as authorized in the federal Families First Coronavirus Response Act (P.L. 116-127). In order to receive the eFMAP as authorized, states are required to maintain the eligibility of individuals enrolled during declared federal public health emergency. This amount reflects an adjustment to ensure funding is available to continue maintenance of effort requirements in fiscal year 2022.)

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance Services

(\$1,762,463)
\$1,762,463

\$0 GF
\$0 NGF

Language:

Explanation:

(This amendment recognizes savings in the Medicaid Children's Health Insurance Program (MCHIP) of \$1.8 million the first year which is offset by \$3.3 million in matching federal funds due to the continuation of a 6.2% enhanced federal medical assistance percentage (eFMAP) in the fourth quarter of fiscal year 2021, received in response to the economic impact of the Coronavirus Pandemic authorized in the federal Families First Coronavirus Response Act. The enhanced match rate is in effect through each quarter of the declared federal public health emergency.)

Health and Human Resources

Department of Medical Assistance Services

Language

Language:

Page 391, after line 24, insert:

"II. The Department of Medical Assistance Services shall include in its analysis of remote patient monitoring services a description of the following elements would be implemented to achieve cost effective and high quality care (i) medical necessity criteria, (ii) requirements for patient and provider adherence, and (iii) how the services would be monitored to ensure the health care provider acts on the data provided through the services. In addition, DMAS shall estimate how any upfront costs would be offset by the return on investment in terms of reduced emergency department visits, hospital length of stay, hospital readmissions, provider visits, transportation and other variables. This analysis shall be incorporated into the report required pursuant to House Bill 1987 on December 1, 2021."

Explanation:

(This amendment adds language related to a Department of Medical Assistance Services analysis of Medicaid remote patient monitoring services provided via telemedicine for certain Medicaid recipients with medically complex conditions. The language requires that the agency include this additional analysis of the design and cost effectiveness of the services in its analysis required by December 1, 2021, pursuant to the passage of House Bill 1987.)

Item 317 #2h

Health and Human Resources

FY20-21

FY21-22

Department of Medical Assistance Services

\$0
\$0

\$850,000 GF
\$850,000 NGF

Language:

Page 383, line 13, strike "\$283,053,336" and insert "\$284,753,336".

Page 391, after line 24, insert:

"II. Out of this appropriation, \$850,000 the first year from the general fund and \$850,000 from nongeneral funds is provided to the Department of Medical Assistance Services (DMAS) to contract for an analysis of payment, authorization, and provider requirements contributing to the outcomes of Medicaid and FAMIS-covered pregnancies and births. This analysis shall be conducted in collaboration with DMAS and contracted Medicaid managed care organizations and based on recommendations for high-value care by the American College of Obstetrics and Gynecology. The analysis shall (i) compare service utilization to maternal and birth outcomes; (ii) identify patterns and outliers in claim payments by provider-type and service-type compared to maternal and birth outcomes; (iii) compare findings to available data on race, ethnicity, geographic location, and preferred language; (iv) compare findings to coverage policies for

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post-partum women; (v) evaluate the potential increased risk of adverse maternal and birth outcomes arising from COVID-19; and (vi) document the provision of services identified by the American College of Obstetrics and Gynecology that potentially result in unnecessary utilization and spending. Such analysis shall be conducted using claim and encounter data related to Medicaid and FAMIS-covered pregnancies and births. Based on this analysis, the contractor shall conduct a review of policy implications, corresponding payment policies, authorization requirements, provider administrative requirements and spending that may be contributing to more or less favorable outcomes, and identify opportunities for cost savings. DMAS shall engage an external contractor to conduct this analysis not later than 120 days after the effective date of this act. This analysis and research shall be conducted by a Virginia Department of Small Business and Supplier Diversity-certified SWaM business."

Explanation:

(This amendment adds \$850,000 the second year from the general fund and matching federal Medicaid funding to analyze Medicaid and FAMIS administrative and operational data requirements and their impact on maternal mortality and birth outcomes. Medicaid claim edits, payment policies, provider requirements, and coverage policies impact how providers deliver care and members access services. Language requires this analysis to be conducted by an external third-party in close collaboration with DMAS and Medicaid managed care organizations to provide an impartial perspective. It requires the analysis and research to be conducted by a Virginia Department of Small Business and Supplier Diversity-certified SWaM business.)

	Item 320 #1h	
Health and Human Resources	FY20-21	FY21-22
Department of Behavioral Health and Developmental Services	\$0 0.00	\$300,000 1.00
		GF FTE

Language:

Page 393, line 43, strike "\$110,804,911" and insert "\$111,104,911".

Explanation:

(This amendment provides \$300,000 the second year from the general fund and 1.0 position to implement the provisions of House Bill 2230 upon passage. The bill directs the Department of Behavioral Health and Developmental Services to develop and implement a program to educate individuals with intellectual and developmental disabilities, their families, and others regarding the availability of supported decision-making agreements, the process to enter into a supported decision-making agreements, and the rights and responsibilities of parties to a supported decision-making agreements. The Department is also required to development of model supported decision-making agreements, and other related information for individuals who enter

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into supported decision-making agreements. The bill directs the Department to collect data regarding the utilization of supported decision-making agreements and report such information, together with recommendations to enhance the utilization of supported decision-making agreements, annually to the Governor and the General Assembly by November 1.)

Item 321 #1h

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and
Developmental Services

\$0

(\$2,500,000) GF

Language:

Page 399, line 42, strike "\$61,270,529" and insert "\$58,770,529".

Explanation:

(This amendment level funds discharge assistance plans at current levels of \$35.5 million each year. Funds for this purpose were increased by \$7.5 million the first year and \$10.0 million the second year from the general fund in the 2020 Special Session I. In addition, almost \$3.8 million each year was provided to the Department of Behavioral Health and Developmental Services for additional programs to reduce census at the state behavioral health hospitals.)

Item 321 #2h

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 401, after line 41, insert:

"O. Out of this appropriation, \$8,774,784 from the general fund the second year is provided from a transfer from Item 322 for Community Services Boards and a Behavioral Health Authority to divert admissions from state hospitals by purchasing acute inpatient or community-based psychiatric services at private facilities. This funding shall continue to be allocated to Community Services Boards and a Behavioral Health Authority for such purpose in an efficient and effective manner so as not to disrupt local service contracts and to allow for expeditious reallocation of unspent funding between Community Services Boards and a Behavioral Health Authority.)

Explanation:

(This amendment adds language clarifying the use of funding transferred from Item 322 Grants to Localities to Item 321 in the Department of Behavioral Health and Developmental Services central office. The move of the funds is intended to make it easier for Community Services

Boards and a Behavioral Health Authority to access the funding more efficiently and to reallocate unspent dollars in an expeditious manner.)

Item 321 #3h

Health and Human Resources

Department of Behavioral Health and Developmental Services

Language

Language:

Page 401, line 39, after "hospitalizations.", insert:

"The workgroup shall also include as part of its analysis, an evaluation of the Northern Virginia Regional Older Adult Facilities Mental Health Support Team (RAFT) and determine the feasibility of replicating the RAFT model elsewhere in the Commonwealth to support persons living with dementia with co-occurring behavioral health conditions."

Page 401, line 41, after "Committee", insert:

"and the Chair of the Joint Commission on Health Care".

Explanation:

(This amendment modifies language in the introduced budget related to the creation of and reporting by a workgroup to make recommendations on dementia services to divert and discharge individuals from state behavioral health hospitals.)

Item 321 #4h

Health and Human Resources

FY20-21

FY21-22

Department of Behavioral Health and
Developmental Services

\$0

\$50,000 GF

Language:

Page 399, line 41, strike "\$61,270,529" and insert "\$61,320,529".

Page 401, after line 41, insert:

"O. Out of this appropriation, \$50,000 from the general fund the first year is provided to the Appalachian Center for Hope for administrative planning and start up funding for its addiction recovery, reentry and residential drug treatment program and to cover transition costs."

Explanation:

(This amendment adds \$50,000 the second year from the general fund to be used for (i) planning and start-up costs such as purchase of office supplies and equipment, (ii) insurance coverage for use of the leased premises, (ii) payment of incidental costs associated with non-profit incorporation and 501(c)(3) status, and (iv) modification of office space donated to meet ACH needs as they transition to the leased building site.)

Item 322 #1h

Health and Human Resources

FY20-21

FY21-22

Grants to Localities

\$0

\$2,250,000 GF

Language:

Page 402, line 8, strike "\$554,715,057" and insert "\$556,965,057".

Page 407, after line 21, insert:

"PP. Out of this appropriation, \$2,250,000 the second year from the general fund shall be provided to contract with Chesapeake Regional Healthcare for the development of a 20-bed acute, inpatient psychiatric unit. The Department of Behavioral Health and Developmental Service shall work with Chesapeake Regional Healthcare to include contract provisions, which guarantee that a portion of the total beds days will be used to divert admissions to state behavioral health hospitals."

Explanation:

(This amendment provides almost \$2.3 million the second year from the general fund to assist in developing a 20-bed acute, inpatient psychiatric unit by Chesapeake Regional Healthcare. This facility is the only locally owned hospital in the Commonwealth. Funding would be used for architectural and engineering fees, site preparation costs, equipment and furnishings and construction. Language requires the Department of Behavioral Health and Developmental Services to contract with the health system and include provisions so a portion of the total bed days will be used to divert admissions to state behavioral health hospitals.)

Item 322 #2h

Health and Human Resources

Grants to Localities

Language

Language:

Page 405, strike lines 31 through 39 and insert:

CC. Out of this appropriation, \$5,000,000 the first year and \$5,000,000 the second year from the general fund is provided to increase access to medication assisted treatment for individuals with substance use disorders who are addicted to opioids. In expending this amount, the department shall ensure that a portion of the funding received by the Community Services Board or Behavioral Health Authority is used for appropriate long-acting, injectable prescription drug treatment regimens for individuals who are in need of medication assisted treatment while (i) on probation, (ii) incarcerated, or (iii) upon their release to the community. The department shall ensure that a portion of the funding received by the Community Service Board or Behavioral Health Authority is used for non-narcotic, non-addictive prescription drug

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treatment regimens for individuals who are not able for clinical or other reasons to participate in buprenorphine or methadone based drug treatment regimens. In expending the funding, Community Services Boards or a Behavioral Health Authority shall also prioritize the use of such funds for individuals who are not covered by insurance."

Explanation:

(This amendment modifies language related to medication assisted treatment for individuals who are addicted to opioids. Language changes (i) clarify that this pertains to funding received by Community Services Boards or a Behavioral Health Authority, (ii) clarify that the funding is used for appropriate long-acting, injectable prescription drug treatment regimens, and (iii) directs that the funding for medication assisted treatment also be prioritized for individuals that are not covered by insurance.)

Item 326 #1h

Health and Human Resources

FY20-21

FY21-22

Mental Health Treatment Centers

(\$2,142,601)

(\$4,285,202) GF

Language:

Page 408, line 2, strike "\$287,994,786" and insert "\$285,852,185".

Page 408, line 2, strike "\$286,799,776" and insert "\$282,514,574".

Page 408, line 26, strike "Out of this appropriation," and insert:

"Out of amounts appropriated in Item 299 N."

Page 408, line 27, strike "the general fund" and insert:

"from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds pursuant to Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) as provided for in Item 299 N."

Page 408, line 28, after "facilities.", insert:

"Any unexpended balances in the first year shall be carried over to the second year of the biennium."

Explanation:

(This amendment supplants general fund amounts of \$2.1 million the first year and \$4.3 million the second year for COVID-19 surveillance and testing costs of residents and staff in Department of Behavioral Health and Developmental Services state-operated facilities with new federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) grant funds pursuant to Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Federal funding of \$2.1 million the first year and \$4.3 million the second year is provided in Item 299 N. for these costs. Language provides that any unexpended balances in the first year shall be carried over to the second year of the biennium.)

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Item 339 #1h

Health and Human Resources	FY20-21	FY21-22	
Department for Aging and Rehabilitative Services	\$0	\$1,400,000	GF

Language:

Page 411, line 47, strike "\$100,388,245" and insert "\$101,788,245".

Page 413, line 16, strike "\$5,976,719" and insert "\$7,376,719".

Explanation:

(This amendment adds \$1.4 million the second year from the general fund for an adjustment for brain injury services contracts. Current contracts have not been adjusted to account for market changes in starting salaries and as a result, starting salaries for individuals providing these services are far below market rates, resulting in turnover and vacancies among all service providers. Chapter 1289, 2020 Acts of Assembly session included \$1.0 million from the general fund each year for an increase in funding for brain injury services. However, this funding unallotted due to the COVID-19 pandemic and subsequently eliminated in Chapter 56, 2020 Special Session I Acts of Assembly.)

Item 344 #1h

Health and Human Resources	FY20-21	FY21-22	
Department for Aging and Rehabilitative Services	\$0	\$50,000	GF

Language:

Page 416, line 41, strike "\$7,290,421" and insert "\$7,340,421".

Page 417, after line 32, insert:

"G. Out of this appropriation, \$50,000 the second year from the general fund is provided for demographic services to obtain reliable data for determining needs and service planning for aging services."

Explanation:

(This amendment adds \$50,000 the second year from the general fund for demographic services for statewide aging services at the Department for Aging and Rehabilitative Services.)

Item 349 #1h

Health and Human Resources

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Department of Social Services

Language

Language:

Page 420, line 34, before "The" insert:
"Notwithstanding any other provision of law,".
Page 420, line 36, before " administrative" insert:
"start-up and".

Explanation:

(This amendment clarifies that the Department of Social Services and the Department of Housing and Community Development can access resources from the Percentage of Income Payment Program Fund when they become available for start-up costs in addition to administrative costs.)

Item 350 #1h

Health and Human Resources

FY20-21

FY21-22

Department of Social Services

(\$16,600,000)
\$16,600,000

\$0 GF
\$0 NGF

Language:

Page 423, line 31, strike:
"\$16,600,000 from the general fund and \$16,600,000", and insert:
"\$33,200,000".

Explanation:

(This amendment supplants \$16.6 million from the general fund with \$16.6 million in federal CARES Act funding to provide support to school divisions, local governments and other entities for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment and cleaning supplies and provide a stable financial environment for the operation of these programs.)

Item 350 #2h

Health and Human Resources

Department of Social Services

Language

Language:

Page 421, line 21, strike "47,754,358" and insert "43,099,952".

Explanation:

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(This amendment This technical amendment adjusts the Commonwealth's accumulated balance for authorized federal Temporary Assistance to Needy Families (TANF) block grant funds to reflect TANF spending included in the proposed amendments to House Bill 1800.)

Item 350 #3h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$9,647,528	\$0	NGF

Language:

Page 420, line 45, strike "\$294,516,580" and insert "\$304,164,108".

Page 424, after line 6, insert:

"W. Out of this appropriation, \$9,647,528 the first year from the federal Child Care and Development Fund is provided to temporarily expand the Child Care Subsidy Program, pursuant to the passage of House Bill 2206."

Explanation:

(This amendment provides \$9.6 million the first year from the federal Child Care and Development Fund (CCDF) to temporarily expand the Child Care Subsidy Program, pursuant to the passage of House Bill 2206. Additional CCDF funding became available recently through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (P.L. 116-260).)

Item 350 #4h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$335,238	GF
	\$0	\$3,829,406	NGF

Language:

Page 420, line 44, strike "\$152,429,363" and insert "\$156,594,007".

Page 423, line 6, after "July 1, 2020", insert:

"and five percent effective July 1, 2021."

Explanation:

(This amendment provides \$335.238 from the general fund and \$3.8 million from nongeneral funds the second year to increase Temporary Assistance to Needy Families (TANF) benefits by five percent. The General Assembly provided a 15 percent increase beginning July 1, 2020, bringing the average monthly payment for a TANF family to \$361. The general fund reflects the increase for the TANF Unemployed Parent program which is state-funded.)

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Item 351 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$2,150,048	GF
	\$0	\$2,175,528	NGF

Language:

Page 424, line 9, strike "\$525,386,732" and insert "\$529,712,308".
Page 425, unstrike lines 7 through 11.

Explanation:

(This amendment restores \$2.2 million from the general fund and \$2.2 million from the nongeneral fund in fiscal year 2022 for local social services departments' (LDSS) to increase minimum salary levels for LDSS family services by 20 percent, and to increase minimum salary levels for benefit program services, self sufficiency services and administrative positions by 15 percent that are currently below the new minimum threshold. These actions should assist in reducing the high turnover and vacancy rates in these LDSS positions.)

Item 354 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$2,923,178)	\$0	GF
	\$2,923,178	\$0	NGF

Language:

Explanation:

(This amendment recognizes savings in the Department of Social Services for Title IV-E child welfare programs of \$2.9 million the first year which is offset by \$2.9 million in matching federal funds due to the continuation of a 6.2% enhanced federal medical assistance percentage (eFMAP) in the fourth quarter of fiscal year 2021, received in response to the economic impact of the Coronavirus Pandemic authorized in the federal Families First Coronavirus Response Act. The enhanced match rate is in effect through each quarter of the declared federal public health emergency.)

Item 354 #2h

Health and Human Resources	
Department of Social Services	Language

Committee Approved Amendments to House Bill 1800

Language:

Page 431, after line 23, insert:

"X. The Director, Department of Planning and Budget, shall, on or before June 30, 2022, unallot \$5,846,356 from the general fund in this item, which reflects the enhanced federal medical assistance percentage in Title IV-E foster care and adoption programs that is estimated to be received for the first two quarters of fiscal year 2022, pursuant to the federal Families First Coronavirus Response Act, (P.L. 116-127)."

Explanation:

(This amendment recognizes savings of \$5.8 million to the general fund the second year in the Title IV-E foster care and adoption programs based on the continuation of a 6.2% enhanced federal medical assistance percentage (eFMAP) to be received for the first two quarters in fiscal year 2022 in response to the economic impact of the Coronavirus Pandemic, as authorized in the federal Families First Coronavirus Response Act (P.L. 116-127).)

	Item 356 #1h	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$200,000 NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided for Good Shepherd Housing and Family Services to assist with food, housing, child care/education, workforce training and mental health services and supports related to the COVID-19 pandemic response."

Explanation:

(This amendment adds \$200,000 the second year from the general fund for Good Shepherd Housing and Family Services, a non-profit organization serving Northern Virginia that provides housing, emergency services, children's services, budgeting counseling and other resources for low-income families.)

	Item 356 #2h	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$250,000 NGF

Language:

Committee Approved Amendments to House Bill 1800

Page 431, line 35, strike "\$60,957,967" and insert "\$61,207,967".

Page 435, line 8, strike the second "\$100,000" and insert "\$350,000".

Explanation:

(This amendment adds \$250,000 the second year from the Temporary Assistance to Needy Families block grant for FACETS, a non-profit organization in Northern Virginia, to provide to homeless assistance services and other related services during the COVID-19 pandemic. This additional funding will provide a total of \$350,000 in TANF funding for FACETS in fiscal year 2022.)

Item 356 #3h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$500,000	NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,457,967".

Page 435, line 25, strike the second "\$700,000" and insert "\$1,200,000".

Explanation:

(This amendment adds \$500,000 the second year from the Temporary Assistance to Needy Families block grant for the United Community, a non-profit organization, to provide wrap-around services for low-income families in Northern Virginia, including child care, parenting classes, supportive services, a food pantry, and literacy and citizenship services and other needed services during the COVID-19 pandemic. This additional funding will provide \$1.2 million in TANF funding for United Community in fiscal year 2022.)

Item 356 #4h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$200,000	NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 432, after line 25, insert:

"5. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the the Lorton Community Action Center to assist with food, housing, child care and education, workforce training and mental health services and supports for low-income families during the COVID-19 pandemic."

Explanation:

Committee Approved Amendments to House Bill 1800

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the Lorton Community Action Center for services to low-income families during the COVID-19 pandemic.)

	Item 356 #5h	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$200,000 NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to BritePaths to assist with food, housing, child care and education, workforce training and mental health services and supports related to stabilizing families during the COVID-19 pandemic."

Explanation:

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the BritePaths, a non-profit organization serving Northern Virginia, for services to low-income families related to the COVID-19 pandemic.)

	Item 356 #6h	
Health and Human Resources	FY20-21	FY21-22
Department of Social Services	\$0	\$200,000 NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,157,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$200,000 the second year from the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the Koinonia Foundation to assist with food, housing, child care and education, workforce training and mental health services and supports related to stabilizing families during the COVID-19 pandemic."

Explanation:

(This amendment adds \$200,000 the second year from the Temporary Assistance to Needy Families block grant for the Koinonia Foundation, a non-profit organization serving Northern Virginia, for services to low-income families during the COVID-19 pandemic.)

Committee Approved Amendments to House Bill 1800

Item 356 #7h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$75,000	NGF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$61,032,967".
Page 434, line 38, strike the second "\$75,000" and insert:
"\$150,000".

Explanation:

(This amendment adds \$75,000 the second year from the Temporary Assistance to Needy Families block grant for the Visions of Youth Community Development Corporation in Portsmouth to support the Students Taking Responsibility in Valuing Education (STRIVE) suspension/dropout prevention program. This will bring funding for the program to \$150,000 the second year of the biennium.)

Item 356 #8h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$5,000,000	GF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$65,957,967".
Page 436, after line 11, insert:

"CC. Out of this appropriation, \$5,000,000 from the general fund the second year shall be provided to Prince William County for the CASA Welcome Center in Prince William County. Funding shall be matched by private and other nonprofit or governmental funding on a cash and/or in-kind basis."

Explanation:

(This amendment adds \$5.0 million the second year from the general fund to Prince William County for the development of the CASA Welcome Center. Funding is contingent upon private and other nonprofit or governmental funding provided in cash and/or in an in-kind basis. The multipurpose center will assist in providing work-readiness and vocational training, employment placement services, English and adult education, citizenship education, and case management assistance to connect individuals and families with health care and social services in the community.)

Item 356 #9h

Committee Approved Amendments to House Bill 1800

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	\$0	\$2,000,000	GF

Language:

Page 431, line 35, strike "\$60,957,967" and insert "\$62,957,967".

Page 436, after line 11, insert:

"CC. Out of this appropriation, \$2,000,000 from the general fund the second year shall be provided to Northampton County for the development of the Northampton County Community Center."

Explanation:

(This amendment adds \$2.0 million the second year from the general fund for the development of the Northampton County Community Center, a multi-use facility which includes space for Northampton County's emergency operations center, a temporary emergency shelter in times of natural and other disasters, recreational and educational opportunities for adults and senior citizens, and space for other governmental and private agencies for needed services for county citizens.)

Item 357 #1h

Health and Human Resources	FY20-21	FY21-22	
Department of Social Services	(\$45,653)	(\$182,610)	GF

Language:

Page 436, line 13, strike "\$43,640,542" and insert "\$43,594,889".

Page 436, line 13, strike "\$16,494,086" and insert "\$16,311,476".

Page 437, after line 50, insert:

"L. Out of amounts appropriated in Item 299 N., \$45,653 the first year and \$182,610 the second year from from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds pursuant to Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123) shall be provided for surveillance and personal protective equipment for Department of Social Services licensing inspectors. Any unexpended balances in the first year shall be carried over to the second year of the biennium."

Explanation:

(This amendment supplants general fund amounts of \$45,653 the first year and \$182,610 the second year for COVID-19 surveillance and personal protective equipment costs of licensing inspectors in the Department of Social Services with new federal funding from the federal Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) funds pursuant to Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123). Federal funding for this purpose is provided in Item 299 N.

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for these costs. Language provides that any unexpended balances in the first year shall be carried over to the second year of the biennium.)

	Item 373 #1h	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	\$170,000 GF

Language:

Page 447, line 9, strike "\$84,750,087" and insert "\$84,920,087".

Explanation:

(This amendment restores \$170,000 from the general fund the second year that was unallotted in Chapter 1289 for the environmental education experiences identified in Item 373, Paragraph K. This request recognizes the commitment Virginia made to its students and the importance environmental education plays developing and nurturing watershed stewards. These funds provide for meaningful interactions and learning opportunities for students throughout the Chesapeake Bay watershed.)

	Item 373 #2h	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	\$500,000 GF

Language:

Page 447, line 9, strike "\$84,750,087" and insert "\$85,250,087".

Page 450, line 43, strike "\$30,350,000" and insert "\$30,850,000".

Page 450, line 50, strike "\$500,000" and insert "\$1,000,000".

Explanation:

(This amendment increases the appropriation for the Virginia Conservation Assistance Program by \$500,000 the second year, bringing total funding to \$1.0 million the second year. VCAP currently has a backlog of more than \$200,000 until future funding is provided, and the restoration of the appropriation to its previous level will allow the program to meet growing demand and assist with water quality goals in urban areas.)

Item 373 #3h

Committee Approved Amendments to House Bill 1800

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$400,000	\$400,000	GF

Language:

Page 447, line 9, strike "\$105,277,058" and insert "\$105,677,058".

Page 447, line 9, strike "\$84,750,087" and insert "\$85,150,087".

Page 451, after line 36, insert:

"R. Out the appropriation in this item, \$400,000 the first year and \$400,000 the second year from the general fund is provided to support lymbya remediation efforts at Lake Gaston."

Explanation:

(This amendment provides \$400,000 from the general fund each year to support lymbya remediation efforts at Lake Gaston. Lymbya is an algae that can be harmful to swimmers, boaters, and underwater wildlife.)

Item 373 #4h

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	\$30,000,000	GF

Language:

Page 447, line 9, strike "\$84,750,087" and insert "\$114,750,087".

Page 451, line 27, strike "\$9,000,000" and insert "\$39,000,000".

Page 451, line 32, strike "\$6,300,000" and insert "\$24,570,000".

Page 451, line 34, strike "and \$2,700,000" and insert "\$10,530,000".

Page 451, line 36, after "watershed" insert:

", and an additional \$3,900,000 in addition to the base funding provided in A.1. shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts"

Explanation:

(This amendment increases the appropriation for agricultural best management practices by \$30.0 million from the general fund the second year, to a total of \$65 million.)

Item 374 #1h

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	\$1,511,600	GF

Committee Approved Amendments to House Bill 1800

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$82,736,747".

Page 454, after line 29, insert:

"S. Included in the amounts for this item is \$1,511,600 the second year from the general fund to connect Mason Neck State Park to a public drinking water supply system."

Explanation:

(This amendment provides \$1.5 million the second year from the general fund for the costs of connecting Mason Neck State Park to the local municipal drinking water system.)

	Item 374 #2h	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$1,000,000	\$0 GF

Language:

Page 451, line 38, strike "\$72,102,316" and insert "\$73,102,316".

Page 454, after line 29, insert:

"S. Included in the amount for this item, \$1,000,000 the first year from the general fund is provided to the City of Danville to develop Riverfront Park. This amount shall be matched by a local appropriation of at least \$1,000,000 prior to any disbursement from this item."

Explanation:

(This amendment provides \$1.0 million from the general fund the first year for the City of Danville to construct Riverfront Park.)

	Item 374 #3h	
Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	\$2,000,000 GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$83,225,147".

Page 454, after line 29, insert:

"S. Out of the amounts in this item, \$2,000,000 the second year from the general fund is provided to the Northern Virginia Regional Park Authority for the purchase and conservation of River Farm in the City of Alexandria."

Explanation:

Committee Approved Amendments to House Bill 1800

(This amendment provides \$2.0 million the second year from the general fund to support the purchase of River Farm in Alexandria by the Northern Virginia Regional Park Authority for conservation and maintenance as a publicly-accessible historic site.)

Item 376 #1h

Natural Resources

Department of Environmental Quality

Language

Language:

Page 455, after line 29, insert:

"C. The Department of Environmental Quality (DEQ) is directed to study the chemical conversion process referred to as Advanced Recycling, which includes the processes of pyrolysis, gasification, depolymerization and other processes which convert certain plastic waste into hydrocarbon raw materials. The study would include a survey of other states' approach to regulation of Advanced Recycling, review of the operational history and environmental impacts of the industry, and recommendations for regulation of the industry in Virginia to ensure that the Commonwealth's air, water, land and other natural resources are fully protected. DEQ would include recommendations as to whether the Commonwealth's Solid Waste Management laws and Department regulations pursuant to 9VAC20-81-410 and relevant air and water permitting regulations would provide adequate regulation of the industry, or would require revision. The study would also invite input from a stakeholder advisory group convened by the agency, comprised of representatives of the chemical conversion industry, recycling industry, environmental organizations and community representatives. The Department shall provide a summary of its study and make recommendations on the regulation of the advanced recycling industry within a report submitted to the Chair of the House Agriculture Chesapeake and Natural Resources Committee and the Chair of the Senate Agriculture Conservation and Natural Resources Committee by December 31, 2021."

Explanation:

(This amendment directs the Department of Environmental Quality to study Advanced Recycling, and report its findings to the Chairs of the House Agriculture, Chesapeake and Natural Resources and Senate Agriculture, Conservation, and Natural Resources Committees by December 31, 2021.)

Item 377 #1h

Natural Resources

FY20-21

FY21-22

Department of Environmental Quality

\$0

\$175,000 GF

Language:

Committee Approved Amendments to House Bill 1800

Page 455, line 31, strike "\$52,900,649" and insert "\$53,075,649".

Page 457, after line 41, insert:

"M. Out of the amounts appropriated for this item, \$175,000 the second year from the general fund is provided for a research project to field test the effectiveness of using halophytes growing in biochar-amended soil to capture and remove salt from highway and parking lot stormwater runoff."

Explanation:

(This amendment provides \$175,000 the second year for a field test of using native plants to capture and remove salt from paved surface stormwater runoff.)

Item 377 #2h

Natural Resources

FY20-21

FY21-22

Department of Environmental Quality

\$0

\$1,100,000 GF

Language:

Page 455, line 31, strike "\$52,900,649" and insert "\$54,000,649".

Page 457, line 20, strike "L."

Page 457, strikes lines 30 through 41.

Page 457, after line 41, insert:

"L.1. Out of the amounts appropriated for this item, \$1,100,000 the second year from the general fund is to be deposited in the Virginia Stormwater Management Fund.

2. Notwithstanding § 62.1-44.15:28, as it is currently effective and as it shall become effective, Code of Virginia, the permit fee regulations adopted by the State Water Control Board pursuant to § 62.1-44.15:28, as it is currently effective and as it shall become effective, Code of Virginia, for the Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits shall be set at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities and municipal separate storm sewer system permits. To the extent practicable, the Board shall solicit input from affected stakeholders when establishing the new fee structure.

3. Notwithstanding § 62.1-44.19:20, Code of Virginia, the application fee schedule adopted by the State Water Control Board pursuant to § 62.1-44.19:20, Code of Virginia, shall be set at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance and enforcement of the nutrient credit certification program. To the extent practicable, the Board shall solicit input from affected stakeholders when establishing the new fee structure."

Explanation:

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(This amendment provides \$1.1 million from the general fund the second year to be deposited in the Virginia Stormwater Management Fund, and directs the State Water Control Board to adopt a schedule that sets fees at an amount of at least 60 percent of the direct costs for the Department of Environmental Quality's administration, compliance, and enforcement activities in its stormwater management programs.)

Item 378 #1h

Natural Resources

Department of Environmental Quality

Language

Language:

Page 458, line 31, after "Department." strike the rest of the line.

Page 458, strike lines 32 through 37.

Page 458, line 40, strike "December 31" and unstrike "July 1".

Explanation:

(This amendment removes proposed language included in the budget as introduced which would speculatively permit the use of hydrofluorocarbons in manufacturing processes that are currently prohibited from being used.)

Item 378 #2h

Natural Resources

FY20-21

FY21-22

Department of Environmental Quality

\$0

\$115,500

GF

0.00

1.00

FTE

Language:

Page 457, line 42, strike "\$22,064,948" and insert "\$22,180,448".

Explanation:

(This amendment provides \$115,500 from the general fund the second year and one position to implement the provisions of House Bill 2148.)

Item 379 #1h

Natural Resources

FY20-21

FY21-22

Department of Environmental Quality

\$0

\$26,000,000

GF

Language:

Committee Approved Amendments to House Bill 1800

Page 458, line 46, strike "\$61,313,511" and insert "\$87,313,511".

Page 459, after line 39, insert:

"3. Out of amounts in this item, \$26,000,000 the second year from the general fund is provided for deposit in the Stormwater Local Assistance Fund."

Explanation:

(This amendment provides \$26.0 million from the general fund the second year for deposit in the Stormwater Local Assistance Fund for stormwater quality retrofits and upgrades.)

Item 382 #1h

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 461, after line 25, insert:

"Notwithstanding § 29.1-113 of the Code of Virginia, access fees at boat ramps owned or managed by the Department of Wildlife Resources (DWR) shall not be assessed prior to July 1, 2022, pending a study by DWR on the costs and benefits of such fees and the impact on recreational users in Virginia. As part of this study, the Department shall convene a stakeholder group for the purpose of developing and providing recommendations on access permit fees, various alternatives, and other issues related to the use and maintenance of Department-owned boat ramp facilities. The stakeholder work group shall be composed of representatives of registered boat owners, paddlecraft liveries, outdoor outfitters, environmental education providers, and other non-registered vessel recreational users of such boat ramps, or other affected parties the Department deems necessary. The work group shall consider mechanisms that will decrease the burden on outfitters, customers, education providers, and non-profit organizations; the usage of access fees to maintain or improve existing boat ramps and to add new boat ramps, paddlecraft launches, and public access points on Department-owned property; and alternative funding mechanisms and strategies that can increase access by economically disadvantaged users. DWR shall submit a report on the work group's recommendations to the Governor, the Secretary of Natural Resources, the House Agricultural, Chesapeake and Natural Resources Committee, the Senate Agricultural, Conservation and Natural Resources Committee, the House Appropriations Committee and the Senate Finance and Appropriations Committee by December 1, 2021."

Explanation:

(This amendment delays by one fiscal year the authority of the Department of Wildlife Resources to assess fees for access to boat ramps it owns or manages, and directs the Department to study the costs and benefits or assess such access fees.)

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Item 385 #2h

Natural Resources	FY20-21	FY21-22	
Department of Historic Resources	\$0 0.00	\$159,479 1.50	GF FTE

Language:

Page 462, line 43, strike "\$8,020,283" and insert "\$8,179,762".

Page 466, after line 12, insert:

"W. Consistent with the provisions of § 10.1-2214, Code of Virginia, \$159,479 the second year from the general fund is provided to establish an underwater archaeology program."

Explanation:

(This amendment restores \$159,479 the second year from the general fund for the Department of Historic Resources to establish an underwater archaeology program.)

Item 385 #3h

Natural Resources	FY20-21	FY21-22	
Department of Historic Resources	\$0	\$255,000	GF

Language:

Page 462, line 43, strike "\$8,020,283" and insert "\$8,275,283".

Page 466, after line 12, insert:

"W. Out of the amounts for Financial Assistance for Historic Preservation, \$255,000 the second year from the general fund shall be provided to the County of Loudoun as a one-time grant to the Loudoun Freedom Center for the African American Museum and History Education program."

Explanation:

(This amendment provides \$255,000 the second year from the general fund for the County of Loudoun to provide support to the Loudoun Freedom Center for its activities related to the African American Museum and History Education.)

Item 385 #4h

Natural Resources	
Department of Historic Resources	Language

Language:

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Page 465, line 20, after "University." insert:

"It is the intent of the General Assembly that no matching funds shall be required as a condition of this appropriation."

Explanation:

(This amendment clarifies that it is the intent of the General Assembly that no matching funds be required as a condition of the \$1.0 million appropriated in Chapter 1289 for the Center for African-American History and Culture at Virginia Union University.)

Item 385 #5h

Natural Resources	FY20-21	FY21-22	
Department of Historic Resources	\$0	\$570,000	GF

Language:

Page 462, line 43, strike "\$8,020,283" and insert "\$8,590,283".

Page 466, after line 12, insert:

"W. Out of the amounts in this item, \$570,000 the second year from the general fund is provided to the County of Appomattox for renovation of facilities of the Carver Price Legacy Museum."

Explanation:

(This amendment provides \$570,000 from the general fund the second year to Appomattox County for renovations at the Carver Price Legacy Museum.)

Item 391 #1h

Public Safety and Homeland Security

Secretary of Public Safety and Homeland Security

Language

Language:

Page 471, after line 13, insert:

"G. The Secretary of Public Safety and Homeland Security shall convene a workgroup, to include the Director of the Department of Corrections or his designee, and representatives of the American Civil Liberties Union of Virginia, Families Against Mandatory Minimums (FAMM), advocates for inmates or the families of inmates, a national expert on similar ombudsman and correctional oversight offices and programs in other states, and other stakeholders identified by the Secretary. The workgroup shall assess the the need for, potential benefits and feasibility of implementing, and staffing and other associated costs of establishing an Office of the Ombudsman within the Department of Corrections. The workgroup shall identify the staffing

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and associated costs necessary for the Ombudsman to, at a minimum, (i) provide information to inmates and family members, DOC employees and contractors, and others regarding the rights of inmates; (ii) monitor the conditions of confinement; (iii) provide technical assistance to support inmate participation in self-advocacy; (iv) provide technical assistance to local governments in the creation of correctional facility oversight bodies; (v) establish a statewide uniform reporting system to collect and analyze data related to complaints receive by the Department of Corrections; (vi) gather stakeholder inputs into the Office of the Ombudsman's activities and priorities; (vii) inspect each state correctional facility at least once every three years, and at least once every year for maximum security facilities; (viii) publicly provide facility inspection reports; and (ix) conduct investigations of complaints made by inmates, family members, and advocates. The workgroup shall develop a report of the findings and the Secretary shall provide such report detailing the findings of the workgroup to the Chairs of the House Public Safety, House Appropriations, Senate Judiciary, and Senate Finance and Appropriations Committees no later than December 1, 2021."

Explanation:

(This amendment directs the Secretary of Public Safety and Homeland Security to convene a work group to assess the costs of establishing an Office of the Department of Corrections Ombudsman.)

Item 394 #1h

Public Safety and Homeland Security	FY20-21	FY21-22	
Virginia Alcoholic Beverage Control Authority	\$0 0.00	\$1,000,000 10.00	NGF FTE

Language:

Page 471, line 42, strike "\$24,692,092" and insert "\$25,692,092".

Page 472, after line 23, insert:

"G. Included in the appropriation for this item \$1,000,000 the second year from the Enterprise Fund to support enforcement activities related to the unlawful direct shipment into Virginia of alcoholic beverages by unlicensed businesses and fulfillment centers."

Explanation:

(This amendment provides \$1.0 million from the nongeneral fund the second year for the Bureau of Law Enforcement to increase its ability to address unlawful direct shipment into Virginia of alcoholic beverages by unlicensed businesses and fulfillment centers. These unlicensed businesses and fulfillment centers, based on reports by common carriers and compiled by ABC represent significant unrealized revenue for the Commonwealth and negatively impact lawful Virginia businesses' opportunity. The increased positions include four (4) auditors, three (3) non-sworn compliance agents, two (2) special agents and one (1) license technician.)

Item 394 #2h

Public Safety and Homeland Security

Virginia Alcoholic Beverage Control Authority

Language

Language:

Page 472, strike lines 18 through 23.

Explanation:

(This amendment removes language included in the introduced budget authorizing a line of credit for the Alcoholic Beverage Control Authority to assume regulation of a legalized cannabis marketplace. House Bill 2312 establishes the Virginia Cannabis Control Authority to regulate the legal market, making the line of credit authorization for ABC unnecessary.)

Item 400 #1h

Public Safety and Homeland Security

FY20-21

FY21-22

Department of Corrections

\$0

\$250,000 GF

Language:

Page 476, line 30, strike "\$821,331,843" and insert "\$821,581,843".

Page 478, after line 25, insert:

"N. Included in this appropriation is \$250,000 the second year from the general fund for the expansion and subsidization of the family video visitation services in its secure correctional facilities."

Explanation:

(This amendment provides \$250,000 the second year from the general fund to expand inmate access to and offset inmate costs of using prison family video visitation services. The purpose of this legislative budget amendment is to promote public safety by allowing constructive reintegration for offenders with their families and children, to increase family and community ties prior to the release of the offender, to decrease the likelihood of recidivism and to reduce State financial burdens by actively engaging non-custodial parents in the support and parenting of their children. This amendment is also intended to subsidize rates to assure family visitations. This program strategy focuses on meeting the challenges that impede family reunification and to be integrated into other transitional programs to establish, reestablish or maintain family ties and communications.)

Item 402 #1h

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Public Safety and Homeland Security

FY20-21

FY21-22

Department of Corrections

\$0

\$427,376 GF

Language:

Page 479, line 35, strike "\$180,965,434" and insert "\$181,392,810".

Page 483, after line 31, insert:

"Y. Included in the appropriation for this item is \$427,376 the second year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.

1. House Bill 1992 -- \$50,000
2. House Bill 2063 -- \$50,000
3. House Bill 2113 -- \$50,000
4. House Bill 2132 -- \$50,000
5. House Bill 2194 -- \$50,000
6. House Bill 2263 -- \$77,376
7. House Bill 2276 -- \$50,000
8. House Bill 1890 -- \$50,000".

Explanation:

(This amendment provides \$427,376 the second year for a Corrections Special Reserve Fund deposit to reflect the indeterminate bedspace impact of House Bills that were adopted.)

Item 406 #1h

Public Safety and Homeland Security

Department of Criminal Justice Services

Language

Language:

Page 490, strike lines 14 through 58.

Explanation:

(This amendment strikes language regarding pre-trial data collection by the Department of Criminal Justice Services. Such responsibilities will be assumed by the Virginia Criminal Sentencing Commission pursuant to House Bill 2110.)

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Item 406 #2h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Criminal Justice Services	\$0	\$500,000	GF

Language:

Page 485, line 38, strike "\$148,337,958" and insert "\$148,837,958".

Page 491, after line 32, insert:

"T. Included in the appropriation for this item is \$500,000 the second year from the general fund for the Big H.O.M.I.E.S. program."

Explanation:

(This amendment provides \$500,000 million the second year for the Big H.O.M.I.E.S. program, a community-based nonprofit that focuses on reducing gun violence in the City of Portsmouth and Hampton Roads. The focus of its services are the promotion of positive relationships, extracurricular activities, community services, sports activities, and the operation of a safe house for community youth.)

Item 410 #1h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Emergency Management	\$0 0.00	\$96,000 1.00	GF FTE

Language:

Page 493, line 24, strike "\$28,699,285" and insert "\$28,795,285".

Page 494, after line 35, insert:

"G. Out of this appropriation, \$96,000 the second year from the general fund to establish the Partners in Preparedness Program."

Explanation:

(This amendment provides \$96,000 the second year for a program manager position that will be responsible for the creation and coordination of a formalized Partners in Preparedness Program and community outreach campaign. This position will work to ensure that the agency thoroughly engages with partners that can promote and enhance programs and communication by serving as trusted messengers within their communities. These partners come from all industries including but not limited to advocacy groups; education; business/commerce; faith-based; health care; nonprofits; and government agencies. This program will be data-driven and provide critical resources and support needed to be prepared and resilient, including but not limited to preparedness brochures, real-time emergency information, and access to disaster-

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focused webinars, forums, town halls, and other events. The position would be responsible for engaging with all VDEM divisions and the Virginia Emergency Support Team to ensure response and recovery plans and procedures take equity and inclusion into consideration and serve as a liaison during disasters to vulnerable communities by working with the trusted community partners.)

Item 411 #1h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Emergency Management	(\$31,144,081)	(\$15,855,919)	GF

Language:

Page 494, line 37, strike "\$65,063,392" and insert "\$33,919,311".

Page 494, line 37, strike "\$60,028,025" and insert "\$44,172,106".

Page 495, line 35, strike "\$31,144,081 the first year and \$27,480,390" and insert: "\$11,624,471".

Explanation:

(This amendment removes \$31.1 million from the general fund the first year and \$15.9 million from the general fund the second year proposed in the introduced budget for the Virginia Department of Emergency Management to use for the purchase of personal protective equipment. The Department received a \$47.0 million reimbursement from the Federal Emergency Management Agency that may be used for such purpose.)

Item 423 #1h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of Juvenile Justice	\$0	\$435,278	GF
	\$0	(\$435,278)	NGF

Language:

Explanation:

(This amendment reflects a reduction of \$435,278 from the nongeneral fund and corresponding increase of \$435,278 from the general fund in the second year to reflect House Bill 1912, which prohibits the collection of child support payments from parents of juveniles temporarily in the custody of the Department of Juvenile Justice.)

Item 425 #1h

Committee Approved Amendments to House Bill 1800

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$145,074	GF
	0.00	2.00	FTE

Language:

Page 507, line 7, strike "\$74,070,135" and insert "\$74,215,209".

Explanation:

(This amendment provides \$145,074 from the general fund the second year for two program support technicians at State Police to comply with the provisions of House Bill 2004.)

Item 425 #2h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$100,000	GF

Language:

Page 507, line 7, strike "\$74,070,135" and insert "\$74,170,135".

Explanation:

(This amendment provides \$100,000 from the general fund the second year for the one-time costs of modifying the Virginia Criminal Information Network to comply with the provisions of House Bill 2163.)

Item 425 #3h

Public Safety and Homeland Security	FY20-21	FY21-22	
Department of State Police	\$0	\$13,019,984	GF
	0.00	4.00	FTE

Language:

Page 507, line 7, strike "\$74,070,135" and insert "\$87,090,119".

Page 509, after line 10, insert:

"Q. Included in the appropriation for this item is \$12,581,520 the second year from the general fund for the one-time update and replacement of information technology systems required to implement an automatic expungement process pursuant to legislation adopted by the 2021 Session of the General Assembly.

R. Included in the appropriation for this item is \$438,464 the second year from the general fund and four positions for the ongoing costs of operating an automatic expungement process pursuant to legislation adopted by the 2021 Session of the General Assembly."

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Explanation:

(This amendment provides \$13.1 million from the general fund the second year for the one-time and ongoing costs of implementing and operating an automatic expungement process for certain offenses pursuant to House Bill 2113. The bill, a recommendation of the Virginia State Crime Commission, would provide for a process of expungement of criminal records for certain convictions, deferred dispositions, acquittals, and for offenses that been nolle prossed or otherwise dismissed. The bill would also provide for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. Companion amendments have been drafted to the Office of the Executive Secretary of the Supreme Court and Department of Corrections items.)

Item 426 #1h

Public Safety and Homeland Security

FY20-21

FY21-22

Department of State Police

\$0

(\$1,997,850) GF

Language:

Page 509, line 13, strike "\$300,057,282" and insert "\$298,059,432".

Page 511, line 16, strike "\$9,488,184" and insert "\$7,490,604".

Explanation:

(This amendment lowers to \$7.5 million from the general fund the second year the additional appropriation provided for the increased costs of State Police replacing interceptor patrol sedans with SUVs. Embedded in the funding provided was the assumption that interceptor vehicles would be replaced at 100,000 miles instead of the current policy of 130,000 miles. This amendment removes the funding associated with that change in replacement policy.)

Item 430 #1h

Transportation

Secretary of Transportation

Language

Language:

Page 518, after line 42, insert:

"Q. Notwithstanding the provisions of § 33.2-3603, Code of Virginia, the I-81 Advisory Committee shall be required to meet at a minimum of two times a year, with additional meetings being at the discretion of the Chair."

Explanation:

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(This amendment modifies the meeting requirements, currently included in the Code, for the I-81 Advisory Committee.)

Item 442 #1h

Transportation

Department of Rail and Public Transportation

Language

Language:

Page 527, after line 26, insert:

“J. The Commonwealth Transportation Board shall waive the 25 percent cap, pursuant to § 33.2-1526.3 D, on the Transit Ridership Incentive Program to allow for more funding for transit equity to support the reduction or elimination of fares due to the ongoing COVID-19 pandemic.”

Explanation:

(This amendment authorizes the CTB to waive the 25 percent cap for the Transit Ridership Incentive Program. The 2020 General Assembly created the Transit Ridership Incentive Program in House Bill 1414. The Code of Virginia § 33.2-1526.3 states that up to 25 percent of the funds in this program may be "available to support the establishment of programs to reduce the impact of fares on low-income individuals, including reduced-fare programs and elimination of fares." The remainder of the funds will be used to "promote improved transit service in urbanized areas of the Commonwealth with a population in excess of 100,000." This budget amendment will allow the Commonwealth Transportation Board to waive the 25 percent cap and allocate more funding to support the reduction or elimination of fares. Due to the COVID-19 pandemic, there has been a decreased demand in multi-jurisdictional commuter bus services in urbanized areas and an increased demand for fare reduction due to the pandemic.)

Item 442 #2h

Transportation

FY20-21

FY21-22

Department of Rail and Public
Transportation

\$0

\$500,000 GF

Language:

Page 525, line 38, strike "\$713,045,958" and insert "\$713,545,958".

Explanation:

(This amendment provides \$500,000 from the general fund in fiscal year 2022 pursuant to the

passage of a Joint Resolution during the 2021 General Assembly Session which requires the DRPT to study the Commonwealth's current public transportation system focusing on the equitable delivery of transportation services and the modernization of transit in the Commonwealth. The resolution requires the DRPT to make a preliminary report by the end of calendar year 2021 and a final report by the end of calendar year 2022.)

Item 446 #1h

Transportation

Department of Transportation

Language

Language:

Page 530, after line 27, insert:

"F. The Department of Transportation, with the assistance of the Virginia Institute for Marine Science, shall provide an update annually on the status of the Coastal Virginia Transportation Infrastructure Inundation Study. The report will be submitted no later than December 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, Chairs of the House and Senate Transportation Committees, Chair of the Joint Subcommittee on Coastal Flooding and Adaptation, and the Secretaries of Transportation and Natural Resources. The report shall include at a minimum: an up-to-date report concerning the identifying of at-risk rural, suburban and urban infrastructure, and planning and options to mitigate or eliminate the identified risks; and a report on what work remains to be completed and a time frame for the completion of its work."

Explanation:

(This amendment includes language requiring VDOT to report annually on the status of what transportation infrastructure in the Coastal Shore region is at risk to inundation from sea-level rise and what is being done to address the concerns) .

Item 447 #1h

Transportation

Department of Transportation

Language

Language:

Page 532, after line 8, insert:

"I. In the instance where there is a reduction in the prescribed weight of any vehicle or combination of vehicles passing over any bridge, or bridge constituting a part of the interstate, primary, or secondary system of highways, in addition to posting signage in accordance with § 46.2-1104, the Department shall make a good faith effort to notify businesses in the surrounding area of the reduction in prescribed weight via electronic, telephone or mail as well as posting in

local media in the surrounding localities. The Department shall continue to maintain an updated website, and related social media pages, and shall work with its local partners to develop an electronic communication list as well to facilitate seamless notification of all businesses thereof using the route for transportation purposes in the surrounding area."

Explanation:

(This amendment is intended to ensure adequate notification is provided by VDOT when there is a change in the prescribed weight of any vehicle or combination of vehicles passing over any bridge.)

Item 451 #1h

Transportation

Department of Transportation

Language

Language:

Page 534, after line 28, insert :

"G. Notwithstanding the provisions of § 33.2-1509, or any other section of Code, no locality that has been allocated funds for a bonded project by the Commonwealth Transportation Board pursuant to § 33.2-1509 of the Code of Virginia shall be required to repay such funds during the 48-month period beginning on the effective date of this act, provided that all of the other conditions of the Commonwealth Transportation Board's economic development access policy are met".

Explanation:

(This amendment gives localities who have received funds through the Economic Development Access Program a 48 month moratorium before repayment would be required.)

Item 462 #1h

Veterans and Defense Affairs

Secretary of Veterans and Defense Affairs

Language

Language:

Page 545, line 47, strike "Langley Air Force".

Page 545, line 47, after "of" insert:

"Joint Base Langley Eustis".

Page 545, line 48, strike "Base".

Explanation:

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(This amendment makes a technical change to reflect the 2010 consolidation of Langley Airforce Base to Joint Base Langley Eustis.)

Item 465 #1h

Veterans and Defense Affairs	FY20-21	FY21-22	
Department of Veterans Services	\$0	\$5,000,000	GF

Language:

Page 548, line 26, strike "\$5,812,068" and insert "\$10,812,068".

Page 548, after line 45, insert:

"B. Included in the appropriation for this item, \$5,000,000 the second year from the general fund to Fairfax County for construction of the Warrior Field & Plaza and Memorial Garden, and other projects within the National Museum of the United States Army."

Explanation:

(This amendment provides \$5.0 million from the general fund the second year to Fairfax County for projects within the National Museum of the United States Army.)

Item 477 #1h

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	\$7,457,992	GF

Language:

Page 554, line 9, strike "\$138,332,991" and insert "\$145,790,983".

Page 566, after line 4, insert:

"NN. Included in the appropriation for this item is \$7,457,992 from the general fund in the second year, which shall be made available to provide corrections and law-enforcement staff of the Department of Corrections and the Department of Juvenile Justice, who were employed as of November 24, 2021, a one-time bonus payment of \$1,000 on December 1, 2021."

Explanation:

(This amendment provides \$7.5 million from the general fund in fiscal year 2022 to provide a \$1,000 one-time bonus for correctional officers at DOC and DJJ.)

Item 477 #2h

Central Appropriations	FY20-21	FY21-22	
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Committee Approved Amendments to House Bill 1800

Central Appropriations \$0 \$70,403,468 GF

Language:

Page 554, line 9, strike "\$138,332,991" and insert "\$208,736,459".
 Page 562, unstrike lines 21 through 47.
 Page 562, line 21, strike:
 "Contingent on the provisions of paragraph U.1. above, \$109,353,218" and insert:
 "Out of the appropriation for this item, \$127,360,863".
 Page 562, line 23, strike "three" and insert "3.5".
 Page 563, unstrike lines 1 through 48.
 Page 563, line 15, strike "three" and insert "3.5".
 Page 563, line 33, strike "three" and insert "3.5".
 Page 563, line 37, strike "three" and insert "3.5".
 Page 563, line 38, strike:
 "Contingent on the provisions of paragraph U.1. above; the" and insert:
 "The".
 Page 563, line 39, after "by" strike "three" and insert "3.5".
 Page 564, unstrike lines 1 through 5.
 Page 564, line 4, strike "28,897,190" and insert "\$36,778,242".
 Page 564, unstrike lines 22 through 25.
 Page 564, line 22, strike:
 "Contingent on the provisions of paragraph U.1. above; included" and insert:
 "Included".
 Page 564, line 23, after "is" strike "\$2,290,800" and insert "\$4,020,364".
 Page 564, line 23, after "a" strike "three" and insert "3.5".
 Page 565, strike lines 5 through 51.

Explanation:

(This amendment provides funding and authorization to provide a 3.5% salary increase for state employees, adjunct faculty, and state supported local employees. The amendment redirects \$97.7 million from the general fund included in the introduced budget for employee bonuses and adds \$70.4 million from the general fund to fund the estimated total cost of the salary increases at \$168.2 million.)

Item 477 #3h

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$2,000,000	\$50,000	GF

Language:

Page 554, line 9, strike "(\$17,993,004)" and insert "(\$15,993,004)".
 Page 554, line 9, strike "\$138,332,991" and insert "\$138,382,991".

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Page 561, line 8, strike "\$457,852 and \$626,414" and insert:
"\$407,852 and \$576,414".

Explanation:

(This amendment provides \$2.0 million the first year and \$50,000 the second year from the general fund pursuant to the passage of House Bill legislation during the 2021 General Assembly Session establishing a presumption that COVID-19 is a work related disease for first responders under the Workers Compensation Act. The funding requested in this amendment is a placeholder until a detailed fiscal impact estimate developed.)

	Item 479 #1h	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	\$0	\$257,000 GF

Language:

Page 567, line 23, strike "\$44,188,052" and insert "\$44,445,052".

Page 572, after line 18, insert:

"V. Out of this appropriation, \$257,000 the second year from the general fund is provided to support the removal of the Harry F. Byrd statute from Capitol Square. The Director, Department of Planning and Budget is authorized to transfer this amount to the Department of General Services pursuant to the passage of House Bill 2208 in the 2021 General Assembly."

Explanation:

(This amendment provides \$257,000 in the second year from the general fund to remove the statute of Harry F. Byrd from Capitol Square. This funding is contingent on passage of House Bill 2208 in the 2021 General Assembly.)

	Item 479 #2h	
Central Appropriations	FY20-21	FY21-22
Central Appropriations	(\$100,000)	\$0 GF

Language:

Page 567, line 23, strike "\$14,869,500" and insert "\$14,769,500".

Page 572, strike lines 12 through 15.

Explanation:

(This amendment moves \$100,000 in the first year from the general fund for the Emancipation and Freedom Monument to the Dr. Martin Luther King, Jr. Memorial Commission in the Legislative Department.)

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Item 479 #3h

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	(\$3,000,000)	(\$8,000,000)	GF

Language:

Page 567, line 23, strike "\$14,869,500" and insert "\$11,869,500".

Page 567, line 23, strike "\$44,188,052" and insert "\$36,188,052".

Page 571, strikes lines 41 through 44.

Explanation:

(This amendment removes \$3.0 million from the general fund the first year and \$8.0 million from the general fund the second year provided in Central Appropriations for the contingent costs of criminal justice reform legislation adopted by the General Assembly during 2020 Special Session I and the 2021 Session. Identified costs associated with criminal justice reform adopted has been reflected through a series of amendments directly to the affected agency items.)

Item 479 #4h

Central Appropriations	FY20-21	FY21-22	
Central Appropriations	\$0	(\$20,000,000)	GF

Language:

Page 567, line 23, strike "\$44,188,052" and insert "\$24,188,052".

Page 572, after line 15, insert:

"U. Included in this appropriation is \$5,000,000 the first year from the general fund for any unanticipated agency costs resulting from the legalization of cannabis, pursuant to House Bill 2312 of the 2021 Session of the General Assembly."

Page 572, strike lines 16 through 18.

Explanation:

(This amendment reallocates \$20.0 million the second year provided in Central Accounts pursuant to House Bill 2113 related to the expungement of criminal records. The amendment also directs \$5.0 million from the general fund included the first year be directed toward the unanticipated agency costs of cannabis legalization pursuant to House Bill 2312.)

Item 479.10 #1h

Central Appropriations

Central Appropriations

Language

Language:

Page 576, line 2, after "account." strike remainder of the line.

Page 576, strike line 3.

Page 578, line 39, strike "2020" and insert "2021".

Page 578, strike "paragraphs B.1. through B.18." and insert "paragraph B."

Page 578, line 40, strike "in such" and insert "the"

Page 578, line 41, after "subparagraphs" insert "under paragraph B."

Page 578, line 42, after "B." strike remainder of the line.

Page 578, strike line 43.

Page 578, line 44, strike:

"Fund established pursuant to § 60.2-300. However, if" and insert: "If".

Page 578, line 49, strike "2020" and insert "2021".

Page 578, line 55, strike "2020" and insert "2021".

Explanation:

(This amendment allows money for the utility assistance program funded with federal Coronavirus Relief Funds (CRF) to be applied to a customer's account more than once. In addition, it updates the timing of certain actions related to unspent federal Coronavirus Relief Funds due the recent extension of their use by Congress.)

Item 479.10 #2h

Central Appropriations

Central Appropriations

Language

Language:

Page 578, line 13, after "Virginia", insert:

". The Governor shall appropriate an amount up to \$81,072,241 the first year from the COVID-19 Relief Fund for No Loss and Learning Loss Supplemental Payments to be distributed to school divisions as provided in Item 145. Any additional appropriations shall be used".

Explanation:

(This amendment provides an appropriation of up to \$81.1 million the first year from the state COVID-19 Relief Fund to Item 145 to fund Learning Loss Supplemental Payments and a portion of the No Loss Payments. The budget approved at the 2020 Special Session provided up to \$95.2 million from this fund be appropriated to public education, however the introduced budget proposed removing payments from the fund from public education, and backfilling with general funds. Revenues from games of skill machines are deposited into the COVID-19 Relief

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Fund.)

Item 487 #1h

Independent Agencies

FY20-21

FY21-22

State Corporation Commission

\$350,000

\$0 GF

Language:

Page 599, line 13, strike "\$8,337,696" and insert "\$8,687,696".

Page 600, after line 1, insert:

"D. Out of this appropriation, \$350,000 the first year from the general fund is provided for development and submission of a state innovation waiver request pursuant to § 1332 of the Affordable Care Act, to establish the Commonwealth Health Reinsurance Program, pursuant to House Bill 2332, 2021 General Assembly, and to implement the bill's provisions for the program."

Explanation:

(This amendment provides \$350,000 the first year from the general fund for the State Corporation Commission's Bureau of Insurance to develop and submit a state innovation waiver to establish a reinsurance program for the individual health insurance marketplace pursuant to House Bill 2332, 2021 General Assembly. This funding may be offset by the receipt of a federal grant for such purpose, however the receipt of federal funds may not occur until fiscal year 2022.)

Item 492 #1h

Independent Agencies

Virginia Retirement System

Language

Language:

Page 603, after line 46, insert:

"H. The Virginia Retirement System and the Department of Human Resources Management shall report annually on or before January 1 to the Governor and the Virginia General Assembly the detailed aggregate of eligibility determinations for employees in accordance with § 9.1-400. This report shall tabulate claims data, types of injuries and associated costs with provided benefits. In accordance with § 9.1-408, the name of the employer or employee shall not appear in such publications and all documents to determine eligibility shall remain confidential."

Explanation:

(This amendment requires the Virginia Retirement System to provide an annual report to the Governor and the General Assembly providing statistics and demographic details concerning

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Line of Duty eligibility determinations.)

Item 497 #1h

Independent Agencies	FY20-21	FY21-22	
Virginia Workers' Compensation Commission	\$0	\$775,000	GF

Language:

Page 604, line 47, strike "\$10,627,494" and insert "\$11,402,494".

Page 605, line 7 strike "\$1,885,000" and insert "\$2,660,000".

Page 605, after line 10, insert:

"B. The Virginia Workers' Compensation Commission Sexual Assault Forensic Exam (SAFE) Program shall make all efforts to access federal and state funds to raise the reimbursement rate cap for acute forensic exams performed by a Sexual Assault Nurse Examiner to sixty percent of the actual cost of the exam. The funds provided in paragraph A.1. shall be used to help meet this reimbursement rate goal, expand existing forensic nursing programs, and develop forensic nursing programs in under-served communities."

Page 605, line 11, strike "B" and insert "C".

Explanation:

(This amendment increases the general fund transfer to the Criminal Injuries Compensation Fund by \$775,000 in the second year to help increase the reimbursement rate for acute forensic exams to sixty percent of the actual cost of the exam, support existing forensic nursing programs, and develop forensic nursing programs in under-served areas of the Commonwealth. The amendment further directs Sexual Assault Forensic Exam program to access federal and state resources to achieve the sixty percent reimbursement rate goal.)

Item C-17.30 #1h

Education: Higher Education	FY20-21	FY21-22	
James Madison University	\$0	\$6,579,237	NGF

Language:

Page 618, after line 22, insert:

"C-17.30 Improvements: East Campus Steam Plant, Phase I

\$0	\$6,579,237
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Fund Sources: Higher Education Operating

\$0	\$1,973,771
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Bond Proceeds

\$0	\$4,605,466 "
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Explanation:

(This amendment requests funding to begin improvements and upgrades to the East Campus Steam Plant. The original East Campus Steam Plant was purchased from the City of Harrisonburg in 2017 and housed two trash-burning boilers and a steam turbine; it now houses two 35,000 pph boilers, three steam-turbine driven chillers, one electric chiller, and two cooling towers. All of the equipment was poorly maintained while in the city's care. The existing boiler equipment and the #2 chiller is rundown and a serious risk for catastrophic failure which would cause the university to shutter buildings. It is critical to remove and replace the existing 35,000 pph boilers, #2 chiller immediately and associated equipment. Total project cost for this phase of work is \$6,579,237 and includes \$4,605,466 in VCBA bonds and \$1,973,771 in auxiliary nongeneral funds. Future phases of this project will include the new boilers relocating to the future boiler building and an additional 80,000 pph boiler to increase current boiler capacity from 180,000 pph to 250,000 pph to cover existing and proposed future loads.)

Item C-22.10 #1h

Education	FY20-21	FY21-22	
Virginia Commonwealth University	\$0	\$16,000,000	GF

Language:

Page 619, line 36, strike "\$0" and insert "\$16,000,000".

Page 619, line 37, before "The", insert "A."

Page 619, after line 39, insert:

B. The General Assembly authorizes the Virginia Alcoholic Beverage Control Authority to proceed with the sale of the property to Virginia Commonwealth University for \$16 million."

Explanation:

(This amendment authorizes the sale of the property by the Virginia Alcoholic Beverage Control Authority to Virginia Commonwealth University.)

Item C-36.45 #1h

Education: Other	FY20-21	FY21-22	
The Science Museum of Virginia	\$0	\$7,506,000	NGF

Language:

Page 622, after line 16, insert:

"C-36.45 Improvements: Create Urban Green Space	\$0	\$7,506,000	
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Fund Sources:	General	\$0	\$0
	Special	\$0	\$7,506,000 "

Explanation:

(This amendment provides nongeneral fund authority to convert a six-acre parcel of a mostly paved, impervious surface parking lot into a community green space. Situated on the Pulse corridor and a key element of the Richmond 300 Plan, this project will transform the area in front of the Museum into a vibrant and active community resource to serve the needs of a diverse, growing citizenry. The Science Museum of Virginia also seeks authority to dedicate \$7,506,000 in private funding for the project.)

Item C-40 #1h

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	\$1,000,000	GF

Language:

Page 623, line 15, strike "\$800,000" and insert "\$1,800,000".

Page 623, line 18, before "It", insert "A."

Page 623, after line 25, insert:

"B. Out of this appropriation, \$1,000,000 the second year from the general fund is designated for the Department of Conservation and Recreation, in partnership with the Living River Trust, to acquire the Newton Neck property for the development of a public park in partnership with the City of Chesapeake."

Explanation:

(This amendment provides general fund to support to partner with the Living River Trust for the acquisition of the Newton Neck property and development of a public park in partnership with the City of Chesapeake.)

Item C-64 #1h

Central Appropriations	FY20-21	FY21-22	
Central Capital Outlay	\$0	\$750,000	NGF

Language:

Page 628, line 25, strike "\$137,000,000" and insert "\$137,750,000".

Page 628, line 27, strike the second "\$137,000,000" and insert "\$137,750,000".

Page 628, line 42, strike the second "\$18,932,172" and insert "\$19,432,172".

Page 629, line 52, strike the second "\$6,835,202" and insert "\$7,085,202".

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Page 630, line 19, strike the second "\$137,000,000" and insert "\$137,750,000".

Page 631, line 23, after "L.", insert "1."

Page 631, after line 26, insert:

"2. Out of the amounts provided for the Department of Behavioral Health and Developmental Services (720), Project Code 10880, up to \$250,000 may be used to extend the water main and modify the water system as part of the transition of the water supply system at the Central Virginia Training Center site to the Amherst County Service Authority."

Explanation:

(This amendment provides additional maintenance reserve authority for the Department of General Services and to transition the water supply at the Central Virginia Training Center.)

	Item C-66 #1h	
Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$0	\$10,000,000 GF

Language:

Page 632, line 49, strike "\$0" and insert "\$10,000,000".

Page 633, strike lines 25 through 30.

Page 633, strike lines 37 through 41.

Explanation:

(This amendment provides additional funding for projects authorized to begin planning and makes technical language changes and corrections.)

	Item C-68 #1h	
Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$220,000,000	\$0 NGF

Language:

Page 635, line 45, strike "\$701,261,508" and insert "\$921,261,508".

Page 636, after line 34, insert:

"204 The College of William and Mary Construct Integrated Science Center, Phase IV (18329)".

Page 636, after line 35, insert:

"208 Virginia Polytechnic and State University Construct Undergraduate Laboratory Building (18332)".

Page 637, after line 14, insert:

"260 Virginia Community College System Replace French Slaughter Building, Germanna

(18340)

260 Virginia Community College System Renovate Amherst / Campbell Hall, Central Virginia (18343)".

Explanation:

(This amendment requests additional funding to support four previously planned projects. The projects include the construction of Phase 4 of the Integrated Science Center (ISC) at William and Mary, the construction of the Undergraduate Laboratory Building at Virginia Tech, replacement of the French Slaughter Building at the Locust Grove Campus of Germanna Community College and the renovation of Amherst / Campbell Hall at Central Virginia Community College. All four projects were authorized for planning in the 2016 Session and are the final four projects to be funded from that planning queue.)

Item C-68.50 #1h

Central Appropriations

Central Capital Outlay

Language

Language:

Page 638, after line 46, insert:

"D. The authorization provided under Chapter 759 / 769, 2016 Acts of Assembly for bond funding from the Virginia College Building Authority for Virginia Commonwealth University Center capital project 18205, Construct Commonwealth Center for Advanced Logistics Systems (CCALS), is rescinded.

E. In addition to the appropriation and bond authorization authorized by this item, the Director, Department of Planning and Budget, shall transfer unutilized Virginia College Building Authority (VCBA) bond authorization and appropriation from the projects listed below, in the amounts shown, to this project for funding the projects listed in paragraph F:

Agency No.	Project No.	Issuing Authority	Initial Authorization	Amount
236	18205	VCBA	§ 2, Chapters 759 and 769, 2016 Acts of Assembly	\$19,000,000

F. 1. Upon certification from the Virginia Economic Development Partnership that an agreement has been reached with the Economic Development Authority and Rolls-Royce Crosspointe LL, the Department of General Services is hereby authorized \$12,120,000 the first year from bond proceeds of the Virginia Public Building Authority to provide funds for the acquisition of the Commonwealth Center for Advanced Manufacturing (CCAM).

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2. Virginia Commonwealth University is hereby authorized \$6,880,000 the first year from bond proceeds of the Virginia College Building Authority to provide funds for the support acquisition and installation of High-Performance Computing tools for the development of the Commonwealth Center for Cloud Computing (C4)."

Explanation:

(This amendment repurposes previously authorized debt to acquire the Commonwealth Center for Advanced Manufacturing (CCAM) and develop the Commonwealth Center for Cloud Computing (C4).)

Item C-68.50 #2h

Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$0	\$1,242,850 NGF

Language:

Page 637, line 17, strike "\$11,738,921" and insert "\$12,981,771".
Page 637, line 26, strike"\$11,738,921" and insert "\$12,981,771".
Page 638, after line 39, insert:
"213 Norfolk State University Acquire / Renovate Pre-School Academy".

Explanation:

(This amendment provides funding to identify, acquire, and renovate a standalone facility to replace the Pre-School Academy and to support program upgrades.)

Item C-69 #1h

Central Appropriations	FY20-21	FY21-22
Central Capital Outlay	\$58,250,000	\$0 NGF

Language:

Page 638, line 48, strike "\$170,700,000" and insert "\$228,950,000".
Page 639, after line 19, insert:
"4. Included in this item is \$28,250,000 in bond appropriation is provided as a supplement to the "Virginia Institute of Marine Science, Construct New Research Facility" project previously authorized in Enactment 1, §2 of Chapters 759 and 769, 2016 Acts of Assembly, as "Virginia Institute of Marine Science, Replace Mechanical Systems and Repair Building Envelope of Chesapeake Bay Hall" in order to replace the existing Chesapeake Hall, for which a renovation is no longer a viable alternative, with a comparable sized new facility. Additional funding for the revised scope and cost is contained in this item.

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5. Included in this item is up to \$30,000,000 in bond appropriation is provided as a supplement to the "Construct Life Sciences and Engineering Building/Renovate Bull Run Hall, Prince William (18000)" project previously authorized in Item C-39.40, Chapter 806, 2013 Acts of Assembly, as "George Mason University, Construct Life Sciences Building, Prince William (Construct Bull Run Hall IIIB Addition)" in order to provide for an additional floor (33,000 SF) to the project. Additional funding for the revised scope and cost is contained in this item."

Page 639, line 20, strike "4." and insert "6."

Page 639, line 22, strike "5." and insert "7."

Explanation:

(This amendment provides supplemental funding to offset an increase in construction costs for replacement of the VIMS Chesapeake Bay Hall with a new 69,250 square foot research facility and for an additional floor (33,000 SF) for the GMU Life Sciences and Engineering Building/Renovate Bull Run Hall, Prince William.)

Item C-70.50 #1h

Central Appropriations	FY20-21	FY21-22	
Central Capital Outlay	\$0	\$150,000,000	NGF

Language:

Page 640, after line 18, insert:

"C-70.50 Improvements: Enhanced Nutrient Removal Certainty Program	\$0	\$150,000,000
Fund Sources: Bond Proceeds	\$0	\$150,000,000 "

Page 640, after line 18, insert:

"A. The Virginia Public Building Authority, pursuant to § [2.2-2260](#) et seq., Code of Virginia, is authorized to issue bonds in a principal amount not to exceed \$150,000,000, plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during the acquisition or construction and for one year after completion thereof, and other financing expenses, to finance the costs of the projects described in paragraph C. of this item.

B. Debt service on bonds issued under the authorization in this item shall be provided from appropriations to the Treasury Board.

C. From the appropriation and bond authorization provided in this item, up to \$150,000,000 of the bond proceeds shall be provided to the Department of Environmental Quality to reimburse entities as provided in Enhanced Nutrient Removal Certainty Program established in House Bill 2129 for capital costs incurred for the design and installation of nutrient removal technology."

Explanation:

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(This amendment provides bond proceeds to implement the enhanced Nutrient Removal Certainty Program under House Bill 2129.)

Item C-72.70 #1h

Central Appropriations

Central Capital Outlay

Language

Language:

Page 641, after line 14, insert:

"The title of the project for the Department of the State Police previously authorized in Item C-45, Chapter 2, of the 2018 Special Session I, as "Construct Area 13 Barracks" is hereby changed to "Acquire, Renovate or Construct Area 13 Barracks".

Explanation:

(This amendment makes a technical title change to an existing project.)

Item 3-1.01 #1h

Transfers

Interfund Transfers

Language

Language:

Page 650, line 6, strike "\$139,500,745" and insert "\$159,500,745".

Explanation:

(This amendment increases by \$20.0 million the first year the transfer of estimated net profits to the general fund from the sale of spirits in ABC stores.)

Item 3-1.01 #2h

Transfers

Interfund Transfers

Language

Language:

Page 650, line 7, strike "\$132,700,000" and insert "\$148,700,000".

Explanation:

(This amendment transfers \$16.0 million from the Alcoholic Beverage Control Authority to the

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general fund resulting from the sale of property to Virginia Commonwealth University. A companion amendment to Item C-22.10 provides \$16.0 million to VCU for the purchase of the property.)

Item 3-1.01 #3h

Transfers

Interfund Transfers

Language

Language:

Page 655, line 20, strike the first "\$500,000" and insert "5,666,406".

Explanation:

(This amendment transfers excess amounts in the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund to the general fund in the first year.)

Item 3-2.03 #1h

Working Capital Funds and Lines of Credit

Lines of Credit

Language

Language:

Page 657, after line 9, insert:

"Virginia Cannabis Control Authority, for the costs associated with establishing the Authority".

\$10,000,000

Explanation:

(This amendment establishes a \$10.0 million line of credit for the Virginia Cannabis Control Authority, established pursuant to House Bill 2312 which provides a framework for the legalization of cannabis use and the establishment of a regulated cannabis marketplace.)

Item 4-0.01 #1h

Operating Policies

Operating Policies

Language

Language:

Page 667, after line 4, insert:

"i. Each public institution of higher education shall actively disclose their refund policies to students by electronic or written notice within the billing process and during the online payment of accounts. All refund policies shall be actively disclosed to prospective students, including but not limited to disclosures on webpages where the institution currently publishes tuition and fee information. Each university Board of Visitors and the State Board for Community Colleges shall adopt a refund policy that clearly incorporates the amount of refund owed in the event of changes in the mode of course delivery."

Explanation:

(This amendment establishes policy related to public colleges and universities refund procedures.)

Item 4-0.01 #2h

Operating Policies

Operating Policies

Language

Language:

Page 667, after line 4, insert:

"i. To ensure timely sharing and fullness of information, Boards of Visitors of public institutions of higher education and the State Board for Community Colleges shall post on their websites publicly available contact information for each board member, including email addresses. The State Council of Higher Education of Virginia shall conduct a review of compliance with this requirement and issue report to the General Assembly by November 1, 2021."

Explanation:

(This amendment establishes policy related to public colleges and universities Boards of Visitors contact information.)

Item 4-6.01 #1h

Special Conditions and Restrictions on Expenditures

Employee Compensation

Language

Language:

Page 704, after line 30, insert:

"10. Notwithstanding any provision of this act, the Board of the Virginia Alcoholic Beverage Control Authority may supplement the salary of its Chief Executive Officer in accordance with § 4.1-101.02. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable independent

agencies. The Board shall report such criteria and potential supplement level to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its record."

Explanation:

(This amendment includes language authorizing the Board of the Virginia Alcoholic Beverage Control (ABC) Authority to approve a bonus for the ABC's chief executive officers. The proposed language is based on language already included in the budget for the Director of the VRS and the CEO of Virginia College Savings Plan.)

Item 4-14 #1h

Effective Date

Effective Date

Language

Language:

Page 736, after line 32, insert:

"12. § 1. That the General Assembly finds that Esther Thorne (Ms. Thorne) spent more than six years in prison within the Virginia Department of Corrections for crimes she did not commit. On June 1, 2020, the Virginia Court of Appeals found that Ms. Thorne had proven her actual innocence, vacated her convictions, and issued a writ of actual innocence based on non-biological evidence, and her record was subsequently expunged.

§ 2. That there is hereby appropriated from the general fund of the state treasury the sum of \$321,587 for the relief of Esther Thorne, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Ms. Thorne may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.

The compensation, subject to the execution of the release described herein, shall be paid as a single lump sum of \$321,587 to be paid to Ms. Thorne by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release.

§ 3. That Ms. Thorne shall be entitled to receive career and technical training within the Virginia Community College System free of tuition charges, up to a maximum of \$10,000. The cost for the tuition benefit shall be paid by the community college at which the career or technical training is provided. The tuition benefit provided by this section shall expire on January 1, 2025.

§ 4. That any amount already paid to Ms. Thorne as a transition assistance grant pursuant to subsection C of § 8.01-195.11 of the Code of Virginia, shall be deducted from any award received pursuant to § 1 of this act.

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§ 5. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act."

Page 736, line 33, strike "12" and insert "13".

Page 736, line 33, after "seventh" strike "and".

Page 736, line 33, before "enactments" insert ", and twelfth".

Page 736, line 35, strike "13" and insert "14".

Explanation:

(This amendment provides compensation for Ms. Esther Thorne, who was wrongfully incarcerated for 6 years and issued a writ of actual innocence by the Court.)

Item 4-14 #2h

Effective Date

Effective Date

Language

Language:

Page 735, strike lines 50 and 51.

Page 736, strike lines 1 through 32, and insert:

"11. That §§ 58.1-301, 58.1-322.02, and 58.1-322.03 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-301. Conformity to Internal Revenue Code

A. Any term used in this chapter shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2019~~ 2020, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;
2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;
4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal

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Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument";

5. For taxable years beginning on and after January 1, 2019, ~~the provisions of § 11046 of the federal Tax Cuts and Jobs Act, P.L. 115-97 (2017), related to the suspension of the overall limitation on itemized deductions under § 68(f) of the Internal Revenue Code; and~~

6. ~~The provisions of § 103 of Division Q of the federal Further Consolidated Appropriations Act, 2020, P.L. 116-94 (2019), related to the reduction in the medical expense deduction floor~~ *For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross income;*

7. *The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;*

8. *The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;*

9. *The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (2020), related to the limitation on business interest; and*

10. *The provisions of §§ 276(a), 276(b)(2), 276(b)(3), 278(a)(2), 278(a)(3), 278(b)(2), 278(b)(3), 278(c)(2), 278(c)(3), 278(d)(2), and 278(d)(3) of the federal Consolidated Appropriations Act, P.L. 116-260 (2020), related to deductions, tax attributes, and basis increases for certain loan forgiveness and other business financial assistance.*

The Department of Taxation is hereby authorized to develop procedures or guidelines for implementation of the provisions of this section, which procedures or guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal

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adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.
2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.
3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.
4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.
5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.
6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.
7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.
8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.
9. Amounts received by an individual, not to exceed \$1,000 for taxable years beginning on or before December 31, 2019, and \$5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.
10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

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11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

16. The first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not

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apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a

subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a

family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at

least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. *For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$25,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.*

§ 58.1-322.03. Virginia taxable income; deductions.

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, \$3,000 for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) and (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2026, \$4,500 for single individuals and \$9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal

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credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by \$1 for every \$1 that the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture

of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S.

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Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. For taxable years beginning on and after January 1, 2018, 20 percent of business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code. For purposes of this subdivision, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning on and after January 1, 2020, but before January 1, 2021, up to \$25,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans."

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Explanation:

(This amendment includes language, consistent with the provisions of House Bill 1935 as it passed the House, conforming portions of the Virginia Tax Code to be consistent with federal IRS changes.)
