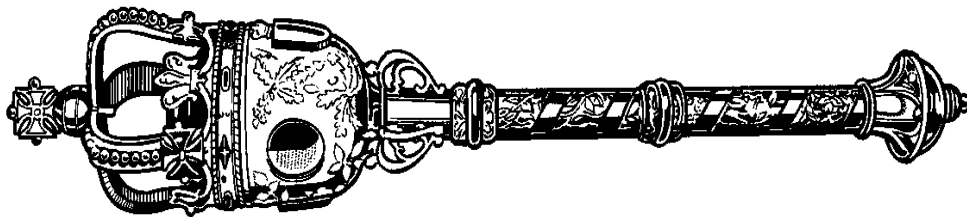


*House  
Appropriations  
Committee*



*Amendments to  
House Bill 5005*

September 25, 2020

## INTRODUCTION

This document contains proposed amendments to House Bill 5005, 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

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<b>House Bill 5005 <u>Amendments</u></b>	<b>General <u>Fund</u></b>	<b>Nongeneral <u>Fund</u></b>
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<b>House Bill 5005 <u>Amendments</u></b>	<b>General <u>Fund</u></b>	<b>Nongeneral <u>Fund</u></b>
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**House Bill 5005**  
**Amendments**

<b>General Fund</b>	<b>Nongeneral Fund</b>
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***Amendments to House Bill 5005, as Introduced***

Item 0 #1h

**Revenues**

Revenues

Language

**Language:**

Page 1, strike lines 33 through 45, and insert:

	"First Year	Second Year	Total
Unreserved Balance, June 30, 2020	\$2,874,058,799	\$0	\$2,874,058,799
Additions to Balance	(\$1,273,656,407)	\$30,185,197	(\$1,243,471,210)
Official Revenue Estimates	\$21,353,132,509	\$22,185,484,514	\$43,538,617,023
Transfers	\$611,733,934	\$613,158,189	\$1,224,892,123
Total General Fund Resources Available for Appropriation	\$23,565,268,835	\$22,828,827,900	\$46,394,096,735".

Page 2, strike lines 1 through 14, and insert:

	"First Year	Second Year	Total
Balance, June 30, 2020	\$7,596,232,598	\$0	\$7,596,232,598
Official Revenue Estimates	\$40,838,229,469	\$39,603,168,957	\$80,441,398,426
Lottery Proceeds Fund	\$657,959,397	\$666,104,670	\$1,324,064,067
Internal Service Fund	\$2,115,253,639	\$2,231,861,108	\$4,347,114,747
Bond Proceeds	\$2,478,004,162	\$195,123,500	\$2,673,127,662
Total Nongeneral Fund Revenues Available for Appropriation	\$53,685,679,265	\$42,696,258,235	\$96,381,937,500
TOTAL PROJECTED REVENUES	\$77,250,948,100	\$65,525,086,135	\$142,776,034,235".

**Explanation:**

(This amendment includes the general fund and nongeneral fund revenue adjustments contained in the cumulative amendments included in the Committee Report.)

Item 50 #1h

**Judicial Department**

**FY20-21**

**FY21-22**

*Amendments to House Bill 5005, as Introduced*

Virginia State Bar

\$1,000,000

\$1,000,000 NGF

**Language:**

Page 8, line 32, strike "\$14,921,912" and insert "\$15,921,912".

Page 8, line 32, strike "\$14,921,912" and insert "\$15,921,912".

Page 8, set out Item 50.

Item 50, strike Paragraph B.2.

Item 50, after Paragraph B.1., insert:

*"2. The amounts for Indigent Defense, Civil, include up to \$7,125,000 the first year and up to \$7,125,000 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice."*

**Explanation:**

(This amendment provides a \$1.0 million appropriation each year from nongeneral funds for additional eviction attorneys for the Virginia State Bar. A companion amendment in Item 482.20 restores \$1.0 million from the general fund each year for this purpose as matching funds. It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 75 #1h

**Administration**

Compensation Board

Language

**Language:**

Page 12, after line 12, insert:

"V.1. The Compensation Board shall continue to provide career development program funding for individuals participating in the Career Development Programs as of September 15, 2020, provided they still meet all necessary program qualifications, but shall not provide career development program funding for any individuals who were not receiving such funding as of October 1, 2020.

2. The State Comptroller shall revert to the general fund any savings realized from turnover and vacancies savings realized from freezing the Career Development Programs. These amounts are estimated at \$335,197 the first year and \$335,197 the second year."

**Explanation:**

(This amendment freezes enrollment in the Career Development Program within the offices of the Constitutional Officers and reverts the savings from the freeze to the general fund.)

---

Item 79 #1h

*Amendments to House Bill 5005, as Introduced*

**Administration**

Department of General Services

Language

**Language:**

Page 15, line 19, after "I.", strike "The" and insert:

"Notwithstanding the provisions of Acts of Assembly 1889 chapter 24, which is hereby repealed, the".

**Explanation:**

(This amendment updates language for the Department of General Services pertaining to the storage and removal of the Lee Statute.)

---

Item 83 #1h

**Administration**

Department of Human Resource Management

Language

**Language:**

Page 16, after line 2, insert:

"M. The Director of the Department of Human Resource Management shall communicate to all executive branch agencies the requirement that all employees with state email addresses and/or state cell phones to include contact information in their email signature which shall include, at a minimum, an office phone number and state cell phone number."

**Explanation:**

(This amendment seeks to improve government accessibility as employees continue to telework during the COVID-19 pandemic.)

---

Item 84 #1h

**Administration**

Administration of Health Insurance

Language

**Language:**

Page 16, after line 3, insert:

"The Department of Human Resource Management (DHRM) shall conduct an actuarial audit of the State Health Insurance Program. DHRM shall select on a competitive basis, and employ on a consulting basis, an actuarial firm for the fulfillment of the duties set forth in this section. DHRM will be required to provide a report to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by October 15, 2021. The

*Amendments to House Bill 5005, as Introduced*

audit shall provide a peer review of the self-funded plan benefits' liabilities and contribution strategies. Specifically, the audit shall: (1) review the reasonableness of actuarial methods, and accuracy of reports produced by the actuary; (2) assess the data and methods used to establish rates; (3) evaluate the methods and assumptions used to estimate recent incurred but not reported (IBNR) liabilities, and other reserves/margins; (4) review and comment on actuarial models used to estimate the impact of plan changes, develop rates and budget projections, and monitor claims experience; (6) conduct a comparison of fully insured rates to those available in the marketplace; and (7) review any valuation results computed under GASB 43 and 45."

**Explanation:**

(This amendment directs DHRM to hire an outside actuarial firm to conduct a review of the assumptions used to set rates for the State Employee Health Insurance Plan and balances maintained in the Health Insurance Fund (HIF).)

---

Item 86 #1h

**Administration**

Department of Elections

Language

**Language:**

Page 17, strike lines 9 through 60.

Page 18, strike lines 1 through 3.

**Explanation:**

(This amendment updates Item 86 in the Department of Elections to reflect actions taken in the 2020 Special Session I of the General Assembly. The removed language has already been adopted in stand-alone legislation passed by the General Assembly and signed by the Governor.)

---

Item 111 #1h

**Commerce and Trade**

Secretary of Commerce and Trade

Language

**Language:**

Page 23, after line 3, insert:

"E. 1. The Commonwealth's Chief Workforce Advisor to the Governor shall convene a workgroup to review the Commonwealth's state public works payment to contractor employees process to identify whether misclassification of workers is a prevalent problem. If the findings reveal such misclassification, the workgroup shall identify and make process improvement recommendations to correct any identified issues.

*Amendments to House Bill 5005, as Introduced*

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 the Department of General Services, Department of Small Business and Supplier Diversity, Department of Labor and Industry, and Department of Taxation. The membership of this workgroup shall not exceed 20 individuals.

3. The workgroup shall report their findings and recommendations to the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee no later than December 1, 2020."

**Explanation:**

(This amendment creates a workgroup to review the Commonwealth's state public works payment process to contractor employees.)

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		Item 112 #1h	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Economic Development Incentive	(\$3,000,000)	(\$3,000,000)	GF
Payments	(\$630,000)	(\$261,000)	NGF

**Language:**

Page 23, line 5, strike "\$77,898,533" and insert "\$74,268,533".

Page 23, line 5, strike "\$55,528,283" and insert "\$52,267,283".

Page 23, line 5, strike "Not set out." and insert:

~~"D. Out of the appropriation for this Item, \$3,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Aerospace Manufacturing Performance Grant Fund, and \$630,000 the first year and \$261,000 the second year from the Aerospace Manufacturer Workforce Training Grant Fund is hereby appropriated. These funds shall be used for grants in accordance with §§ 59.1-284.20 and 59.1-284.22, Code of Virginia."~~

**Explanation:**

(This amendment removes the planned incentive payments pursuant to § 59.1-284.20, Code of Virginia for an Aerospace Engine Manufacturing Facility that recently announced closure of its Virginia location. Upon enrolling, Item 112 will be set out and enrolled appropriately.)

*Amendments to House Bill 5005, as Introduced*

Item 112 #2h

**Commerce and Trade**

**FY20-21**

**FY21-22**

Economic Development Incentive  
Payments

(\$2,776,800)

(\$436,800) GF

**Language:**

Page 23, line 5, strike "\$77,898,533" and insert "\$75,121,733".

Page 23, line 5, strike "\$55,528,283" and insert "\$55,091,483".

Page 23, line 5, strike "Not set out." and insert:

"B.1. Out of the appropriation for this item, ~~\$5,223,700~~ \$4,946,900 the first year and ~~\$4,978,700~~ \$4,541,900 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure."

Page 23, line 5, strike "Not set out." and insert:

"L. 1. Out of the appropriation in this item, ~~\$3,230,000~~ \$730,000 the first year and \$2,993,750 the second year from the general fund shall be deposited to a special, nonreverting fund for the award of grants in accordance with legislation to be considered by the 2020 General Assembly.

2. Of the amounts deposited to the fund, ~~\$2,500,000 the first year and~~ \$2,500,000 the second year may be awarded as grants to a qualified pharmaceutical company in a qualified locality pursuant to the legislation and subject to performance metrics agreed to in a memorandum of understanding with the Commonwealth.

3. Of the amounts deposited to the fund, \$730,000 the first year and \$493,750 the second year may be awarded as grants to a comprehensive community college and a baccalaureate public institution of higher education in or near the eligible county pursuant to the legislation."

**Explanation:**

(This amendment postpones planned economic development incentive payments as a result of project delays caused by the COVID-19 pandemic and updated performance data. Upon enrolling, Item 112 will be set out and enrolled appropriately.)

---

Item 113 #1h

**Commerce and Trade**

Department of Housing and Community Development

Language

*Amendments to House Bill 5005, as Introduced*

**Language:**

Page 24, line 44, after "E." insert "1."

Page 24, line 45, after "pandemic" strike "." and insert:

", with the exception of monies provided for the continuation of the Virginia Rent and Mortgage Relief Program in paragraph E.2.

2. Out of the amounts appropriated in paragraph E.1., \$25,000,000 in the first year from the general fund is hereby designated to continue the Virginia Rent and Mortgage Relief Program when monies allocated from the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136) expire."

Page 24, line 46, strike "2" and insert "3".

Page 24, after line 52, insert:

"4.a. In administering the funds appropriated in paragraph B.1. of Item 479.10 for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance to cover one-hundred percent of current and past due rent included in the application for rental assistance. The financial assistance supported with funds in paragraph B.1. of Item 479.10 for the Virginia Rent and Mortgage Relief Program shall cover the period between April 1, 2020 and expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

b. In administering the funds appropriated in paragraph E.2. of this item for the Virginia Rent and Mortgage Relief Program, the Department shall allow for financial assistance to cover one-hundred percent of current and past due rent included in the application for rental assistance. At such time the general funds provided in paragraph E.2. of this item are deployed, the Department may allow for financial assistance to be used to cover past due rent accumulated prior to April 1, 2020.

c. Landlords and tenants shall be able to access the funds appropriated in paragraph E.2. of this item and paragraph B.1. of Item 479.10 for the Virginia Rent and Mortgage Relief Program."

**Explanation:**

(This amendment designates \$25 million in the first year for the continuation of the Virginia Rent and Mortgage Relief Program in 2021. The program is currently funded with federal Coronavirus Relief Funds, which expire December 31, 2020. The amendment also outlines policies that will allow for broader deployment of the resources provided for the Virginia Rent and Mortgage Relief Program.)

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Item 113 #2h

**Commerce and Trade**

**FY20-21**

**FY21-22**





*Amendments to House Bill 5005, as Introduced*

Page 28, line 4, strike "\$34,725,000" and insert "\$18,725,000".

**Explanation:**

(This amendment makes the second year restoration for the Virginia Telecommunications Initiative contingent upon the fiscal year 2021 revenue forecast being met. There is a companion amendment in Central Appropriations in Item 479.30 which appropriates the contingent spending.)

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Item 127 #1h

**Commerce and Trade**

Department of Professional and Occupational Regulation

Language

**Language:**

Page 32, line 1, strike "Not set out." and insert:

"D. The Secretaries of Commerce and Trade and of Health and Human Resources, the Department of Professional and Occupational Regulation, the Virginia Department of Health, and the Board for Barbers and Cosmetology shall work with stakeholders to update the COVID-19 Phase 3 or later Personal Care and Personal Grooming Services guidelines no later than November 1, 2020, to authorize any individual licensed to practice under Chapter 7 of Title 54.1 of the Code of Virginia to temporarily remove a customer's nose and face covering during such time that it must be removed in order to provide a service effectively and safely. The guidelines may require enhanced safety precautions in the absence of a customer face covering, including requiring the licensee to wear a face shield and/or utilize some other similar barrier."

**Explanation:**

(This amendment sets out Item 127 in the Department of Professional and Occupational Regulation and adds language to enable Master estheticians to return to work and provide safe and effective services to clients. Master estheticians are currently unable to work in Virginia due to the mandatory requirement that the licensed esthetician and client both wear face coverings at all times. Currently, 45 other states have implemented guidelines allowing estheticians to resume services by modifying requirements for facial coverings in order to provide services effectively and safely during the COVID-19 emergency. It is the intent of the General Assembly that this item is set out upon enrolling and enrolled appropriately.)

---

Item 128 #1h

**Commerce and Trade**

Department of Small Business and Supplier Diversity

Language

*Amendments to House Bill 5005, as Introduced*

**Language:**

Page 32, line 3, strike "Not set out." and insert:

"C.1. Out of the amounts in this item, \$819,753 the first year and \$819,753 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1 of each year.

*2. In administering the funds allocated in paragraph B.1. of Item 479.10 of this act for the Rebuild Virginia Grant program, the Department shall reexamine its program eligibility criteria and maximum grant award to ensure deployment of funds prior to the expiration of the Coronavirus Relief Funds awarded to the Commonwealth through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136). In completing this review, the Department shall, at a minimum, expand the eligibility criteria to include small businesses that have already received CARES Act funding from any federal, state, regional or local agency or authority, and additional industry sectors."*

**Explanation:**

(This amendment provides guidance to the Department of Small Business and Supplier Diversity on the deployment of funds provided for the Rebuild Virginia program. Upon enrolling, Item 128 will be set out and enrolled appropriately.)

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	Item 135 #1h	
<b>Commerce and Trade</b>	<b>FY20-21</b>	<b>FY21-22</b>
Virginia Innovation Partnership Authority	\$5,000,000	\$0 NGF

**Language:**

Page 33, line 35, strike "\$25,700,000" and insert "\$30,700,000".

Page 33, line 35, strike "Not set out." and insert:

"K.1. Out of the appropriation in this item, \$3,750,000 the first year and \$3,750,000 the second year from the general fund shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Department of Planning and Budget is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Department of Planning and Budget by VBHRC.

*Amendments to House Bill 5005, as Introduced*

2. Of the amounts provided in K.1. for the research consortium, up to \$3,750,000 the first year and \$3,750,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.
3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.
4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.
5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.
6. VHBRC, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Secretary of Commerce and Trade, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, the Director of the Department of Planning and Budget, and VIPA by October 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.
7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.
8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 32.1-162.23, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.
9. *The VBHRC shall administer a one-time grant program designed to support the acceleration of clinical testing of a therapeutic drug that treats clinical symptoms caused by COVID-19.*

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*VBHRC may consult with subject matter experts in the healthcare industry or academia to develop criteria for awarding funds provided in paragraph P.3. of this item. At a minimum, these criteria must include: (i) the company was founded in and is headquartered in Virginia; and (ii) the company is actively conducting a Phase 1 or Phase 2 clinical trial of a therapeutic drug approved by the United States Food and Drug Administration ("FDA") to treat life-threatening symptoms caused by COVID-19. The provisions of paragraph K.3. of this item shall not apply to this grant award, which includes a matching requirement.*

*In awarding these funds, VBHRC shall: (i) require the grantee to offer to conduct subsequent clinical trials of its drug in hospitals located in Virginia, provided the hospitals have the capacity to participate in the trial in a timely manner that is consistent with and does not delay the company's clinical trial schedule; (ii) require the grantee to give a preference to qualified Virginia pharmaceutical manufacturers for production of the grantee's COVID-19 therapeutic drug, provided the manufacturers have the capacity to produce the drug in a timely manner that is consistent with and does not delay the company's production schedule; and, (iii) seek a reasonable amount of equity interest in the grantee company in return for the grant."*

Page 33, line 35, strike "Not set out." and insert:

"P.1. Out of the amounts transferred to the Authority as a result of actions taken pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$10,000,000 the first year shall be allocated to the Commonwealth Commercialization Fund to foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation as specified in § 2.2-2359, Code of Virginia.

2. Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to scale the Commonwealth Cyber Initiative (CCI) for activities at the Hub, Virginia Polytechnic Institute and State University, and Node sites and \$5,000,000 the first year shall be allocated for the leasing of space and establishment of the Hub by the anchoring institution.

3. *Out of the amounts transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly, \$5,000,000 the first year shall be allocated to the Virginia Biosciences Health Research Cooperation to administer the program outlined in paragraph K.9. of this item. The funds provided in this paragraph shall be transferred to the Virginia Biosciences Health Research Cooperation within 30 days of the passage of this act.*

~~3.~~ 4. Excluding the amounts in paragraph P.1., ~~and~~ P.2., *and* P.3. of this item, any additional funds transferred to the Authority as a result of actions pursuant to Item 126.10, paragraph S.5 of the Chapter 854, 2019 Acts of Assembly may be used: (1) to enable the establishment of a fund of funds that will permit the Commonwealth to invest in one or more syndicated private investment funds; (2) to enhance direct investment programs by placing additional investments in partnership with Virginia accelerators and university technology commercialization programs; and (3) to enable the establishment of a sustainable program to enhance discovery of,

*Amendments to House Bill 5005, as Introduced*

and early investment in, technologies aligned with the Virginia Innovation Index. Decisions to invest in private funds shall be subject to approval by the Board of Directors. Investments in such funds shall be monitored by the Board of Directors."

**Explanation:**

(This amendment provides \$5 million in the first year from the nongeneral fund to accelerate the research and development of therapeutic drug treatments for COVID-19.)

---

Item 135 #2h

**Commerce and Trade**

**FY20-21**

**FY21-22**

Virginia Innovation Partnership  
Authority

\$20,000,000

\$0 NGF

**Language:**

Page 33, line 35, strike "\$25,700,000" and insert "\$45,700,000".

**Explanation:**

(This amendment reflects \$20 million of nongeneral fund resources appropriated during the 2020 General Assembly Session. This is a technical amendment.)

---

Item 135 #3h

**Commerce and Trade**

Virginia Innovation Partnership Authority

Language

**Language:**

Page 32, line 3, strike "Not set out." and insert:

"Q. Until such time the VIPA Board of Directors is fully appointed, the President and CEO shall have the authority to approve the funds provided for centers of excellence in this item. Centers of Excellence include Virginia Center for Unmanned Systems, Virginia Biosciences Health Research Corporation, Commonwealth Center for Advanced Manufacturing, and Commonwealth Cyber Initiative."

**Explanation:**

(This amendment ensures the funding approved by the 2020 General Assembly for the Centers of Excellence under the Virginia Innovation Partnership Authority can be distributed to the Centers during the establishment of VIPA's Board of Directors. This is a technical amendment.)

---

Item 141 #1h

**Education**

Department of Education, Central Office Operations

Language

**Language:**

Page 35, after line 8, insert:

"E. Virginia Initiative to Support Internet Outside of School Networks (VISION) program. To support technology needs and internet access for virtual learning as a result of extended school closures and modified school schedules through the VISION program, \$26,900,000 in federal relief funds are provided from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), including \$18,000,000 in Governor's Education Emergency Relief (GEER) funds previously announced for this purpose and \$8,900,000 in GEER funds previously announced to support longer-term internet access initiatives."

**Explanation:**

(This amendment redirects \$8.9 million in federal Governor's Education Emergency Relief funds that had previously been announced to be used to support longer-term internet access initiatives to provide a total of \$26.9 million to support school divisions with shorter-term virtual learning needs.)

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Item 144 #1h

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 36, after line 3, insert:

"4. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is provided for tuition scholarships to be specifically allocated solely for licensed public high school teachers pursuing additional credentialing requirements necessary to be considered faculty who are qualified to teach dual enrollment courses in high schools in their local school division. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in *coursework necessary to become qualified to teach dual enrollment courses* ~~an approved undergraduate or graduate teacher education program applicable to dual enrollment course curriculum available for public high school students~~. The lifetime maximum dual enrollment tuition scholarship award for each approved eligible teacher is \$7,500. Eligibility for access to these dual enrollment tuition scholarship awards shall be determined through an application process whereby school divisions shall apply to the Department of Education. In the application process, the applying school division shall include: i) an explanation of why such dual enrollment tuition scholarship is warranted, ii) the dual enrollment course or courses that shall be offered by the scholarship

*Amendments to House Bill 5005, as Introduced*

recipient's high school and taught by the recipient upon the recipient's successful completion of required coursework for appropriate credentialing to teach such dual enrollment courses, and iii) the projected student enrollment in the recipient taught public high school dual enrollment courses. The Department of Education shall compile and report the application information for each applying school division, and shall also report the number of recipients and amount of tuition awarded to each school division, the institution of higher education receiving tuition, the credentialing area pursued by recipients, and dual enrollment courses offered after the recipient's successful completion of the pursued credentialing. The Department shall submit the report by June 30, 2020, and annually thereafter, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Appropriations and Education and Health."

**Explanation:**

(This amendment expands the scholarship program available for teachers seeking coursework through an institution of higher education in order to qualify to teach dual enrollment courses. The amendment permits such scholarships to be used for any coursework necessary to qualify the teacher to teach dual enrollment coursework. The existing language limits these scholarships to coursework that is part of an approved teacher preparation program. It is the intent of the General Assembly that this item be set out during enrolling.)

---

	Item 145 #1h	
<b>Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
Direct Aid to Public Education	\$95,227,730	\$0 NGF

**Language:**

Page 36, line 5, strike "\$7,732,305,702" and insert "\$7,827,533,432".

Page 38, after line 20 insert:

	<b>"FY2021</b>	<b>FY2022</b>
Hold Harmless Sales Tax	\$95,227,730	\$0".

Page 66, after line 25 insert:

"e.1) This item includes an appropriation estimated at \$95,227,730 in the first year from the revenues generated by the provisions of Chapters 1217 and 1277, 2020 Acts of Assembly, to be paid to local school divisions as a hold harmless payment dedicated to public education. Local governing bodies shall appropriate these funds to the local school divisions in the same manner in which they appropriate sales tax revenues dedicated to public education.

2) This hold harmless sales tax payment represents the reduction in estimated amounts for sales tax in support of basic aid from the amount estimated in Chapter 1289, 2020 General Assembly, to the amount estimated in House Bill 5005, as introduced. The hold harmless sales tax payment

*Amendments to House Bill 5005, as Introduced*

is in addition to the one and 1/8 cents sales tax estimated by the Department of Taxation and included in this item.

3) For the purposes of calculating Required Local Expenditure as defined in this item, this hold harmless sales tax payment will be counted as a credit toward the local share of the costs of the Standards of Quality in the first year. Further, additional payments from other direct aid accounts, as identified by the Department of Education, resulting from the reduction of the sales tax estimates provided in Chapter 1289, 2020 General Assembly, and resulting in this hold harmless sales tax payment may also be counted as a credit toward the local share of the costs of the Standards of Quality in the first year.

4) The Department of Education is authorized to distribute the hold harmless sales tax payment to school divisions in quarterly installments. The Department is further authorized to make adjustments in these quarterly supplemental payments to reflect the difference between the actual sales tax payments distributed to school divisions to date and an estimate of the payment that would have been paid to date based on the percentage of the total distribution paid in the prior fiscal year to date multiplied by the total amount of sales tax distribution included in this item. The amount paid as hold harmless sales tax payments shall not exceed the amounts listed in paragraph e.1) above.

5) It is the intent of the General Assembly to update this hold harmless sales tax payment based on any subsequent increases to the Sales Tax estimates approved by the General Assembly and included in this item."

**Explanation:**

(This amendment provides \$95.2 million the first year from the "gray machine" revenues to hold school divisions' harmless from the mid-year sales tax reforecast included in House Bill 5005, as introduced. This is intended as a one-time action to address the extraordinary situation facing school divisions during the pandemic and should not be viewed as a precedent to backfill typical forecast adjustments for sales tax.)

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Item 145 #2h

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 41, line 35 after "teachers", insert:  
"English learner teachers".

Page 41, line 39, strike "librarian" and insert:  
"librarian and school counselor".

**Explanation:**



*Amendments to House Bill 5005, as Introduced*

(This amendment restores the staffing flexibility provided to school divisions for certain instructional positions in the first year to include English learner teachers and school counselor positions. These staffing flexibility provisions were eliminated during the 2020 Regular Session.)

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Item 145 #3h

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 71, line 36, after "70" strike the remainder of the line.

Page 71, line 37, after "30" strike the remainder of the line.

Page 71, line 38, strike "year and at least 40".

**Explanation:**

(This amendment delays the implementation of restrictions on the use of Infrastructure and Operations Per Pupil Funds from fiscal year 2021 to fiscal year 2022. This amendment would require at least 30 percent of such funds to be reserved for non-recurring expenditures beginning in fiscal year 2022.)

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Item 145 #4h

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 49, after line 13 insert:

"5) Notwithstanding any other provision in statute or in this item, to provide temporary flexibility in the first year, school divisions may elect to use textbook payments to address costs incurred as a result of reopening schools that were closed due to the COVID-19 pandemic or to support virtual learning needs in school divisions that have not fully reopened to in-person instruction. Such costs may include, but are not limited to cleaning supplies, personal protective equipment, reduced class sizes to meet social distancing guidelines, technology needs and internet access. No local match is required to receive these state funds in the first year only and such local match shall be excluded from the determination of required local effort in the first year pursuant to Item 145.B.8. of this act, and § 22.1-97, Code of Virginia.

6) For purposes of calculating rebenchmarking costs for textbooks for the 2022-2024 biennium, the Department of Education shall include the higher of the fiscal year 2019 or fiscal year 2020 division-level textbook per pupil amount in calculating the base year statewide prevailing per

*Amendments to House Bill 5005, as Introduced*

pupil amount. For this one year calculation, the Department of Education shall adjust, with one additional year of inflation, any fiscal year 2019 division-level per pupil textbook expenditure data used in calculating the base year statewide prevailing per pupil amount."

**Explanation:**

(This amendment permits school divisions to use textbook payments in the first year to address costs of providing virtual instruction or reopening schools to in-person instruction, and waives local match requirements for these funds in the first year. Language also provides that this is a one-time action and it will not adversely impact rebenchmarking for the 2022-2024 biennium.)

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Item 145 #5h

**Education**

Direct Aid to Public Education

Language

**Language:**

Page 47, after line 19, insert:

"30. The Department of Education shall not reduce semi-monthly payments to school divisions due to mid-year adjustments to ADM projections in the first year. Semi-monthly payments occurring after the final calculation of March 31 ADM shall be adjusted to address changes in membership that occur throughout the school year."

**Explanation:**

(This amendment delays reductions to state payments resulting from reduced ADM projections until after the final March 31 ADM is calculated. Normally, state payments to school divisions are adjusted in January to reflect revised ADM projections, which are based in part on September 30 membership counts. This amendment would prevent school divisions from experiencing any reductions in state payments until after the General Assembly convenes for the 2021 Regular Session.)

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Item 214 #1h

**Higher Education**

Virginia Commonwealth University

Language

**Language:**

Page 85, after line 34, insert:

"3. Funding designated in paragraphs D.1. and D.2. of this item are intended as a pass-through payment to support the Center on Aging and dementia-related research by investigators

*Amendments to House Bill 5005, as Introduced*

throughout the Commonwealth. These funds shall be exempt from supplantation assessment or other budget management plans at Virginia Commonwealth University."

**Explanation:**

(This amendment clarifies that funding for the Center on Aging is exempt from budget management plans proposed to or implemented by Virginia Commonwealth University.)

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	Item 221 #1h	
<b>Higher Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
Virginia Community College System	\$2,000,000	\$0 GF

**Language:**

Page 86, line 31, strike "\$119,054,661" and insert "\$121,054,661".

Page 86, after line 22, insert:

"B. 1. Funding in this item shall be allocated for the Virginia Guaranteed Assistance Program, the Commonwealth Award and need-based student financial assistance for industry-based certifications or related programs that do not qualify for other sources of student financial assistance.

2. *Out of this appropriation, \$2,000,000 the first year from the general fund is designated for students enrolled in eligible workforce programs at the Virginia Community College System and Richard Bland College in partnership with the VA Ready program. This partnership leverages private resources in order to assist Virginians unemployed as a result of the COVID-19 pandemic to earn credentials in high demand fields.*"

**Explanation:**

(This amendment provides additional state support for workforce programs at the VCCS and Richard Bland College that partner with VA Ready in certain eligible fields to earn credentials. The program leverages private support to enable Virginians unemployed as a result of the COVID-19 pandemic to earn credentials in high demand fields. Funding to support this action are transferred from supplanting a proposed increase in funding for the VJIP program.)

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	Item 247 #1h	
<b>Other Education</b>	<b>FY20-21</b>	<b>FY21-22</b>
The Library Of Virginia	\$1,000,000	\$0 GF

**Language:**

Page 91, line 43, strike "\$18,233,584" and insert "\$19,233,584".

**Explanation:**

***Amendments to House Bill 5005, as Introduced***

(This amendment provides general fund support for aid to local libraries. The funding would be used to provide broadband access to citizens, job search assistance, and a virtual learning environment for students and educators.)

Item 262.80 #1h

**Higher Education**

**FY20-21**

**FY21-22**

Maintain Affordable Access

\$80,000,000

\$0 GF

**Language:**

Page 98, after line 25, insert:

"§ 1-82.60 MAINTAIN AFFORDABLE ACCESS (XXX)

262.80 Education and General Program (10000)

\$80,000,000

\$0

Fund Sources:

General

\$80,000,000

\$0 "

Page 98, after line 25, insert:

"Authority: Discretionary Inclusion

A. Out of this appropriation, \$80,000,000 the first year from the general fund is designated to maintain affordable access to public colleges and universities. Allocations from this item are as follows:

**Institution**

**FY 2021 Allocation**

Christopher Newport University

\$2,400,000

College of William and Mary

3,500,000

George Mason University

10,000,000

James Madison University

5,700,000

Longwood University

1,500,000

University of Mary Washington

3,300,000

Norfolk State University

2,000,000

Old Dominion University

10,000,000

Radford University

4,900,000

University of Virginia

3,000,000

University of Virginia's College at Wise

1,000,000

Virginia Commonwealth University

10,000,000

Virginia Military Institute

1,000,000

Virginia Polytechnic Institute & State University

4,000,000

Virginia State University

1,700,000

Richard Bland College

1,000,000

*Amendments to House Bill 5005, as Introduced*

Virginia Community College System	15,000,000
<b>Total</b>	<b>\$80,000,000</b>

B. Institutions may use these funds to support operations, enhance financial aid, or for other purposes to address the impact of the COVID-19 pandemic.

C. Upon the petition of a public institution of higher education and upon a determination by the six-year plan review group identified under § 23.1-306, Code of Virginia that the institution is likely to experience a severe financial exigency prior to the next scheduled session of the General Assembly, the Governor may authorize the Treasurer to provide bridge financing to such institution from the reserve established under § 2.2-1831.2, Code of Virginia, subject to such terms and conditions as the review group may recommend and the Governor may approve."

**Explanation:**

(This amendment provides general funds to support public colleges and universities to maintain affordable access to the institutions.)

Item 274 #1h

<b>Finance</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Accounts Transfer Payments	\$0	(\$89,027,631)	GF

**Language:**

Page 99, line 15, strike "\$89,027,631" and insert "\$0".  
Page 99, strike lines 34 through 39.

**Explanation:**

(This amendment eliminates \$89.0 million from the general fund included in the introduced budget in fiscal year 2022 for the estimated required fiscal year 2024 deposit into the Rainy Day Fund. The deposit, which will be calculated based on fiscal year 2022 actual revenues, is not made until fiscal year 2024. The \$89.0 million funding is being redirected to a companion amendment which deposits \$150 million into the Revenue Reserve Fund in fiscal year 2021 to increase the Commonwealth's cash balances and ensure greater financial flexibility. Language included in Item 275 allows for the transfer of amounts from the Revenue Reserve Fund to the RDF if required to meet any Constitutionally-mandated deposit.)

Item 275 #1h

<b>Finance</b>	<b>FY20-21</b>	<b>FY21-22</b>
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*Amendments to House Bill 5005, as Introduced*

Department of Accounts Transfer  
Payments

\$150,000,000

\$0 GF

**Language:**

Page 99, line 40, strike "\$0" and insert "\$150,000,000".

Page 99, after line 40, insert:

*"Notwithstanding any contrary provision of law, there is hereby appropriated in this item \$150,000,000 from the general fund the first year and \$300,000,000 from the general fund the second year to the Revenue Reserve established pursuant to § 2.2-1831.2, Code of Virginia, to mitigate any potential revenue or transfer shortfalls that may arise during the biennium. Notwithstanding any contrary provision of law, these amounts may be transferred to the Revenue Stabilization Fund to meet any Constitutionally-mandated deposit required based on revenue growth in either year of the fiscal year 2020-2022 biennium."*

**Explanation:**

(This amendment provides a \$150 million deposit in the Revenue Reserve Fund in fiscal year 2021 to increase the Commonwealth's cash balances to provide increased financial flexibility to safeguard against any additional revenue decreases.)

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Item 299 #1h

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 109, after line 3, insert:

"I. The Department of Health shall convene a work group, which shall include the Commonwealth's Chief Diversity, Equity, and Inclusion Officer and representatives of the Office of Health Equity of the Department of Health, the Department of Emergency Management, and such other stakeholders as the department shall deem appropriate and which may be an existing work group or other entity previously convened for a related purpose, to (i) evaluate the methods by which vaccines and other medications necessary to treat or prevent the spread of COVID-19 are made available to the public, (ii) identify and develop a plan to implement specific actions necessary to ensure such vaccines and other medications are equitably distributed in the Commonwealth to ensure all residents of the Commonwealth are able to access such vaccines and other medications, and (iii) make recommendations for any statutory, regulatory, or budgetary actions necessary to implement such plan. The Department shall make an initial report on its activities and any findings to the Chairs of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2020, and shall report monthly thereafter."

**Explanation:**

*Amendments to House Bill 5005, as Introduced*

(This amendment directs the Virginia Department of Health to convene a work group to examine and develop a plan to ensure that vaccines and other medications to treat or prevent the spread of COVID-19 are equitably distributed in the Commonwealth. It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 299 #2h

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 109, after line 3, insert:

"I. The Virginia Department of Health shall review and update their data collection and reporting protocols for COVID-19 or other infectious disease data to only report actual deaths not an extrapolated projection of deaths."

**Explanation:**

(This amendment adds language directing the Virginia Department of Health (VDH) to report only actual deaths in their COVID-19 or other infectious disease data collection and reporting protocols. This will ensure that when VDH provides the public with reporting on any infectious diseases (i.e. flu, COVID-19, etc.) that it is reported in a manner that can be easily understood by citizens who do not have a degree in statistical modeling or a doctorate in epidemiology. If VDH is already reporting using a statistical model from a federal center, such as the Centers for Disease Control and Prevention, that reporting may continue, but VDH must also report, in clear unambiguous terms, the actual deaths directly related to each disease. It is the intent that VDH share their data and methodology, such that any citizen, with a basic understanding of high school Algebra, should be able to replicate the results. It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 300 #1h

**Health and Human Resources**

Department of Health

Language

**Language:**

Page 109, after line 4, insert:

"F. In any case in which the Governor has declared a public health emergency related to the novel coronavirus (COVID-19), every medical care facility licensed by the Virginia Department of Health shall allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided. In any case in which health care services are provided in an inpatient

setting, and the duration of health care services in such inpatient setting is anticipated to last more than 24 hours, the person with a disability may designate more than one designated support person. However, no medical care facility shall be required to allow more than one designated support person to be present with a person with a disability at any time. A designated support person shall not be subject to any restrictions on visitation adopted by a medical care facility. However, such designated support person may be required to comply with all reasonable requirements of the medical care facility adopted to protect the health and safety of patients and staff of the medical care facility. Every medical care facility shall establish policies applicable to designated support persons and shall (i) make such policies available to the public on a website maintained by the medical care facility and (ii) provide such policies, in writing, to the patient at such time as health care services are provided. A "designated support person" means a person who is knowledgeable about the needs of a person with a disability and who is designated, orally or in writing, by the individual with a disability, the individual's guardian or the individual's care provider, to provide support and assistance, including physical assistance, emotional support, assistance with communication or decision-making, or any other assistance necessary as a result of the person's disability, to the person with a disability at any time during which health care services are provided."

**Explanation:**

(This amendment adds language requiring medical facilities licensed by the Virginia Department of Health to allow patients with disabilities to be accompanied by a designated support person at the time services are provided and to allow for visits by such person(s). It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 309 #1h

**Health and Human Resources**

Department of Health Professions

Language

**Language:**

Page 110, after line 27, insert:

"B. Nurse practitioners licensed in the Commonwealth of Virginia, except those licensed in the category of Certified Registered Nurse Anesthetists, with two or more years of clinical experience may continue to practice in the practice category in which they are certified and licensed and prescribe without a written or electronic practice agreement until the termination of a declared state of emergency due to the COVID-19 pandemic."

**Explanation:**

(This amendment adds language extending the ability for certain nurse practitioners to practice without a written or electronic practice agreement until the termination of the declared public emergency due to the COVID-19 pandemic. Nurse Practitioners already have this authority under Executive Order #57 but it expired on September 8, 2020. It is the intent of the General



*Amendments to House Bill 5005, as Introduced*

Assembly that this item be set out upon enrolling.)

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Item 313 #1h

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$11,152,785	\$0	GF
Services	\$11,152,785	\$0	NGF

**Language:**

Page 111, line 28, strike "\$16,358,800,776" and insert "\$16,381,106,346".

Page 145, line 14, strike "for the period" and insert:  
"until March 31, 2021."

**Explanation:**

(This amendment adds \$11.2 million from the general fund and \$11.2 million in matching federal Medicaid funds to extend the \$20 per day add-on to Medicaid nursing and specialized care facility rates until March 31, 2021, to provide stability to the nursing home industry during the COVID-19 crisis. Extending at least through March 31, 2021 will allow work to ensue during the 2021 Regular Session toward a permanent improvement to the payment methodology to recognize both the post-COVID-19 "new normal" and historic underfunding issues that have been highlighted in the COVID-19 crisis.)

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Item 313 #2h

<b>Health and Human Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Medical Assistance	\$0	(\$6,230,938)	GF
Services	\$0	(\$6,230,938)	NGF

**Language:**

Page 111, line 27, strike "\$17,137,554,276" and insert "\$17,125,092,400".

Page 115, line 19, strike "95" and insert "20".

Page 115, line 27, strike "455" and insert "5".

**Explanation:**

(This amendment defers implementation of new Developmental Disability Waiver slots in fiscal year 2022 which results in general fund savings of \$6.2 million and nongeneral fund savings of \$6.2 million. These new slots are above those required to be funded by the U.S. Department of Justice Settlement Agreement. Language revises the number of waiver slot in fiscal year 2022 to reflect (i) action in the introduced budget to eliminate 250 waiver slots which were unallotted in April, (ii) deferral of 75 Community Living Waiver slots and (ii) deferral of 200 Family and Individual Support waiver slots. Funding and slots remain in fiscal year 2022 for facility

*Amendments to House Bill 5005, as Introduced*

discharges and emergency slots.)

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Item 313 #3h

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Medical Assistance Services

(\$1,280,000)  
\$1,280,000

(\$4,460,000) GF  
\$4,460,000 NGF

**Language:**

Page 112, line 32, strike "\$472,802,840" and insert "\$474,082,840".

Page 112, line 33, strike "\$486,936,557" and insert "\$491,396,557".

**Explanation:**

(This amendment reduces the general fund appropriation for Medicaid by \$1.3 million the first year and \$4.55 million the second year and increases a like amount of nongeneral funds each year, reflecting increased revenues to the Virginia Health Care Fund (VHCF). Because revenues to the fund have historically been used as the state share of Medicaid, additional revenue results in an equal amount of general fund savings. The Governor included language in House Bill 5005 which authorizes the taxation of heated tobacco products and extends the "Wayfair" tax to other tobacco products, but not appropriate the revenue these actions will generate. This additional revenue, which is deposited into the Virginia Health Care Fund, allows for a reduction in general fund appropriations for the state's share of Medicaid funding.)

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Item 313 #4h

**Health and Human Resources**

Department of Medical Assistance Services

Language

**Language:**

Page 145, after line 26, insert:

"The Department of Medical Assistance Services shall extend flexibility for legally responsible individuals (parents of children under age 18 and spouses) to temporarily provide personal care/personal assistance services and be paid for those services during the COVID-19 emergency period and through June 30, 2021."

**Explanation:**

(This amendment extends flexibility for certain relative caregivers to provide personal care/personal assistance services through Medicaid home and community based waivers through June 30, 2021. Currently, the Department of Medical Assistance Services provides this flexibility during the COVID-19 emergency period; however this is set to expire on January 31,

*Amendments to House Bill 5005, as Introduced*

2021.)

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Item 321 #1h

**Health and Human Resources**

**FY20-21**

**FY21-22**

Department of Behavioral Health and  
Developmental Services

\$882,000

\$882,000 GF

**Language:**

Page 147, line 24, strike "\$50,052,046" and insert "\$50,934,046".

Page 147, line 24, strike "\$54,098,468" and insert "\$54,980,468".

Page 147, after line 24, insert:

"E. Out of this appropriation, ~~\$5,454,388~~ \$2,112,000 the first year and ~~\$5,454,388~~ \$2,112,000 the second year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to contract with the Virginia Mental Health Access Program to develop integrated mental health services for children."

**Explanation:**

(This amendment adds \$882,000 each year from the general fund to partially restore funding to the Virginia Mental Health Access Program (VMAP) which had been unallotted in April and subsequently eliminated in the introduced budget. The embedded dollar amounts do not appear to add up because of reduction actions in Central Appropriations but does reflect the net actions. Funding will allow VMAP to respond to the children's mental health crisis being experienced as a result of the COVID-19 pandemic. VMAP works with children's health care providers to provide access to child psychiatrists, psychologists, social workers, and care navigation. It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 322 #1h

**Health and Human Resources**

Grants to Localities

Language

**Language:**

Page 148, after line 17, insert:

"NN. Notwithstanding the provisions of Chapters 607 and 683, 2017 Acts of Assembly, no Community Services Board or Behavioral Health Authority shall be required to provide any service pursuant to the to the System Transformation, Excellence and Performance in Virginia (STEP-VA) process, beyond those services funded in Chapter 854, 2019 Acts of Assembly. Any new service requirements shall be subject to appropriation and allotment of funds for that purpose."

**Explanation:**

*Amendments to House Bill 5005, as Introduced*

(This amendment restores language that was inadvertently stricken in the introduced budget which eliminates the requirement that Community Services Boards or Behavioral Health Authority provide STEP-VA services beyond those that are funded in Chapter 854, 2019 Acts of Assembly, unless an appropriation is available and an allotment of funds is made. The budget passed in March provided additional funding outpatient services, peer support services, expanded crisis services and military and veteran's mental health services through STEP-VA, and when funding was unallotted in April due to the pandemic language was added eliminating the requirement to proceed with implementation of these services. The introduced budget eliminates funding for these additional services through STEP-VA. It is the intent of the General Assembly that this item be set out upon enrolling.)

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Item 350 #1h

**Health and Human Resources**

Department of Social Services

Language

**Language:**

Page 156, strike lines 23 through 27, and insert:

"T. Out of this appropriation, \$16,600,000 from the general fund and \$16,600,000 from federal Coronavirus Relief Funds the first year shall be used to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. Within this appropriation, the federal Coronavirus Relief funds shall be expended prior to the expenditure of general fund amounts for this purpose."

**Explanation:**

(This amendment modifies language in the introduced budget to add \$16.6 million in federal Coronavirus Relief funds to support short-term child care efforts. The introduced budget provided \$16.6 million from the general fund to expand the potential providers of space for short-term child care. This amendment also includes other entities such as religious institutions and community centers. With the addition of the federal CARES Act amount, a total of \$33.2 million will be available for these efforts. A companion amendment in Item 479.10 provides the nongeneral fund appropriation from the CARES Act.)

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Item 372 #1h

**Natural Resources**

Secretary of Natural Resources

Language

*Amendments to House Bill 5005, as Introduced*

**Language:**

Page 173, strike lines 2 through 9.

**Explanation:**

(This amendment removes language proposed by the Governor in House Bill 5005 for the Secretary of Natural Resources to study and develop a plan to require landfill operators to pay a solid waste disposal fee. Undertaking such a study does not require General Assembly direction or approval.)

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	Item 373 #1h	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Conservation and Recreation	\$0	(\$3,825,400) GF

**Language:**

Page 173, line 17, strike "\$99,567,156" and insert "\$95,741,756".  
Page 176, line 51, strike "\$34,175,400" and insert "\$30,350,000".

**Explanation:**

(This amendment reflects changes to the amount calculated for a mandatory deposit to the Water Quality Improvement Fund resulting from a correction in the Commonwealth's final balance sheet for fiscal year 2020. A companion amendment to Item 0 corrects the general fund resources and amendment totals resulting from the balance sheet correction.)

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	Item 373 #2h	
<b>Natural Resources</b>	<b>FY20-21</b>	<b>FY21-22</b>
Department of Conservation and Recreation	(\$5,000,000)	\$0 GF

**Language:**

Page 173, line 16, strike "\$105,847,453" and insert "\$100,847,453".  
Page 176, line 36, strike "\$15,732,147" and insert "\$10,732,147".  
Page 176, line 40, strike "\$15,000,000" and insert "\$10,000,000".

**Explanation:**

(This amendment reduces the appropriation for the Dam Safety, Flood Prevention and Protection Assistance Fund from \$15.0 million from the general fund to \$10.0 million from the general fund in fiscal year 2021. A companion amendment to Central Appropriations provides \$5.0 million from the general fund in fiscal year 2022 for the Fund as a contingent appropriation

*Amendments to House Bill 5005, as Introduced*

which will be released if the final fiscal year 2021 revenue forecast is met.)

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		Item 374 #1h	
Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	(\$5,500,000)	(\$5,500,000)	GF

**Language:**

Page 177, line 4, strike "\$74,050,589" and insert "\$68,550,589".

Page 177, line 4, strike "\$73,177,420" and insert "\$67,677,420".

Page 177, set out Item 374.

Item 374, Paragraph A.1., strike each instance of "\$10,000,000" and insert in each instance "\$4,500,000".

**Explanation:**

(This amendment unallocates \$5.5 million from the general fund each year in funding provided for the Virginia Land Conservation Fund in Chapter 1289 of the 2020 Session of the General Assembly. A companion amendment to central appropriations allocates this funding as part of a larger contingent spending item that incorporates several non-mandatory spending initiatives and releases the funding based on revenue triggers.)

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Item 377 #1h

**Natural Resources**

Department of Environmental Quality

Language

**Language:**

Page 179, after line 48, insert:

*"L. The Department shall convene a workgroup of affected stakeholders, including representatives from the regulated industry, local governments and members of the public, to produce recommendations for the Governor and General Assembly to improve the long-term sustainability of the Virginia Stormwater Management Fund established by § 62.1-44.15:29 and Department oversight of nutrient credit use in the Commonwealth. Such recommendations shall be provided to the Governor and General Assembly by November 1, 2020."*

*2. The provisions of 9VAC25-900, Virginia Administrative Code, shall be considered to have satisfied the conditions of § 62.1-44.15:35, Code of Virginia, for the establishment of an application fee schedule in accordance with § 62.1-44.19:20, Code of Virginia."*

Page 179, strike lines 49 through 57.

Page 180, strike lines 1 through 3.

*Amendments to House Bill 5005, as Introduced*

**Explanation:**

(This amendment modifies language proposed by the Governor in House Bill 5005 to establish a workgroup to review the long-term sustainability of the water quality enhancement fee; and to provide recommendations to the Governor and General Assembly by November 1, 2020.)

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Item 378 #1h

**Natural Resources**

Department of Environmental Quality

Language

**Language:**

Page 180, set out Item 378.

Item 378, Paragraph B.2., after "2017." insert:

"Notwithstanding the foregoing, such regulations shall not prohibit the use of hydrofluorocarbons in the manufacturing process by extruded polystyrene boardstock and billet manufacturers located in Virginia to produce products for sale and distribution outside of the Commonwealth. In developing regulations, the Board shall solicit input from a workgroup of relevant stakeholders assembled by the Department."

**Explanation:**

(This amendment provides exemptions to certain manufacturers from State Air Pollution Control Board regulations adopted pursuant to language included in Chapter 1289.)

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Item 383 #1h

**Natural Resources**

Department of Game and Inland Fisheries

Language

**Language:**

Page 180, line 37, strike "Not set out." and insert:

"Administrative and Support Services (59900)	\$10,332,931	\$10,332,931
General Management and Direction (59901)	\$6,983,303	\$6,983,303
Information Technology Services (59902)	\$3,349,628	\$3,349,628
Fund Sources:		
Dedicated Special Revenue	\$8,829,996	\$8,829,996
Federal Trust	\$1,502,935	\$1,502,935

Authority: Title 29.1, Chapter 1, Code of Virginia.

*Amendments to House Bill 5005, as Introduced*

A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.

B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairs of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairs of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairs of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance and Appropriations.

C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.

D.1. Subject to review and approval by the Secretary of Natural Resources, the Director of the Department of Game and Inland Fisheries may issue to the Department of Transportation an interim permit to relocate the nest and eggs of any state listed threatened bird species from critical areas of the Hampton Roads Bridge Tunnel Expansion Project's South Island associated with the ingress and egress to the island; the delivery, assembly, and immediate operations of the tunnel boring machine; or other project critical locations as mutually agreed to by the Commissioner of Highways and the Director, which, if not relocated, would effectively require all substantial construction activities to cease.

2. Prior to the issuance of an interim permit as described in Section 1, (i) the Director must determine that the Department of Transportation and its design-build contractor have taken all reasonable steps to prevent birds from nesting on the South Island, in accordance with the Colonial Nesting Bird Management Plan dated March 27, 2020, (ii) the Commissioner of Highways must determine that substantial construction activities will have to cease if the nest and eggs are not relocated, and (iii) the Director shall require as a condition of the interim permit that the nest and any eggs will be relocated under the supervision of the Department of Game and Inland Fisheries to a location acceptable to the Director that is as close as possible to the original nesting location while allowing construction activities to continue.

3. Within 30 days of the adoption by the Board of Game and Inland Fisheries of any regulation governing the take of migratory birds or threatened and endangered species, the Department of Transportation shall apply for a permit covering such take for the Hampton Roads Bridge-Tunnel expansion project.

~~4. Any agency that exercises the authority granted in paragraph D.1, or that issues any permit that has an adverse impact on fish and wildlife or their habitat, may require compensatory~~



*Amendments to House Bill 5005, as Introduced*

~~mitigation for such adverse impact as a condition of issuing the permit.~~

~~a. For the purposes of this section, "compensatory mitigation" means addressing the direct and indirect adverse impacts to fish and wildlife and their habitats that may be caused by a construction project by avoiding and minimizing impacts to the extent practicable and then compensating for the remaining impacts.~~

~~b. Proposed compensatory mitigation agreements between an agency and a permittee shall be subject to the approval of the Secretary of Natural Resources, and may include environmental restoration projects, purchase of mitigation bank credits, or in-lieu payments to existing state funds related to conservation of fish and wildlife and their habitat."~~

**Explanation:**

(This amendment removes language adopted by the General Assembly at the 2020 Reconvened Session which provided overly broad authority for agencies within the Natural Resources Secretariat to adopt policies requiring compensatory mitigation agreements outside of the process set out by the administrative process act. This language limits such agreements to the Hampton Roads Bridge Tunnel project.)

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Item 391 #1h

**Public Safety and Homeland Security**

Secretary of Public Safety and Homeland Security

Language

**Language:**

Page 184, line 2, strike "Not set out." and insert:

"Administrative and Support Services (79900)	\$1,230,902	\$1,230,902
General Management and Direction (79901)	\$1,230,902	\$1,230,902
Fund Sources:		
General	\$1,230,902	\$1,230,902

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised six-year state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, and the Chairs of the House and Senate Courts of Justice Committees by October 15 of each year. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to

*Amendments to House Bill 5005, as Introduced*

improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairs of the House Appropriations and Senate Finance and Appropriations Committees no later than November 15 of each year.

C. Included in the appropriation for this item is \$500,000 the first year and \$500,000 the second year from the general fund for the Commonwealth's nonfederal cost match requirement to accomplish the United States Corps of Engineers Regional Reconnaissance Flood Control Study for both the Hampton Roads and Northern Neck regions as authorized by the U.S. Congress. Any balances not needed to complete these studies may be used to conduct a comparable study in the Northern Virginia region.

D. The Secretary shall report on the requirements of Item 381 H. of Chapter 854, 2019 Acts of Assembly, by November 15, 2020.

E.1. The Secretary of Public Safety and Homeland Security shall continue the expanded work group established in Item 381 of Chapter 854, 2019 Acts of Assembly. The expanded work group shall examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole. The Executive Secretary of the Supreme Court shall submit the recommendations of the working group to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 15, 2020. All state agencies and local subdivisions shall provide assistance as requested by the working group.

2. The expanded workgroup shall include representatives of the Supreme Court, the State Compensation Board, staff of the House Appropriations and Senate Finance and Appropriations Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary.

3. Prior to the preparation of the November 15, 2020 report, each Commonwealth's Attorney's office in a locality that employs body worn cameras, in conjunction with the law enforcement agency using body worn cameras, shall report to the Compensation Board and the workgroup the following information on a quarterly basis, in a format prescribed by the Board:

a. The number of hours of body worn camera video footage received from their law enforcement agencies. The number of hours should additionally be broken down into corresponding categories of felonies, misdemeanors and traffic offenses. Any recorded event that results in charges for two or more of the above categories shall be reported in the most serious category;

b. The number of hours spent in the course of redacting videos; and

c. Any other data determined relevant and necessary by the workgroup for this analysis.

*Amendments to House Bill 5005, as Introduced*

*F. The Secretary of Public Safety and Homeland Security shall establish an E-911 Border Response Workgroup. The Workgroup shall assess the deficiencies related to the timely routing of Emergency 911 (E911) calls to the appropriate public-safety answering point (PSAP) across either state or county borders. At a minimum, the workgroup should work with stakeholders to collect information on problems with the current system and processes; review mitigation solutions already implemented by localities and citizen groups; determine best practices; and provide inputs and recommendations to the General Assembly on technology, training, and compensation that would be necessary to address the identified deficiencies. The Secretary shall provide the recommendations of the Workgroup to the Governor and General Assembly no later than April 1, 2021."*

**Explanation:**

(This amendment directs the Secretary of Public Safety and Homeland Security to establish an E-911 Border Response Workgroup to make recommendations to address identified inadequacies in the system and report its recommendations to the Governor and General Assembly no later than April 1, 2021.)

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			Item 403 #1h
<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of Criminal Justice Services	(\$2,057,225)	(\$1,018,670)	GF

**Language:**

Page 185, line 18, strike "\$6,601,573" and insert "\$4,544,348".  
Page 185, line 18, strike "\$5,563,018" and insert "\$4,544,348".  
Page 186, strike lines 11 through 29.

**Explanation:**

(This amendment removes \$2.1 million from the general fund in fiscal year 2021 and \$1.0 million from the general fund in fiscal year 2022 and associated language included in House Bill 5005 as introduced relating to various criminal justice reform bills to be considered during 2020 Special Session I. All funding associated with criminal justice reform bills passed by the House has been provided in a companion amendment to Item 479.)

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			Item 427 #1h
<b>Public Safety and Homeland Security</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Department of State Police	(\$500,000)	\$0	GF

**Language:**

*Amendments to House Bill 5005, as Introduced*

Page 189, line 36, strike "\$32,570,900" and insert "\$32,070,900".

Page 190, strike lines 31 through 33.

**Explanation:**

(This amendment removes \$500,000 in general funds included by the Governor for a law enforcement training curriculum. No bill passed by the House necessitates this additional funding.)

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Item 430 #1h

**Transportation**

Secretary of Transportation

Language

**Language:**

Page 196, after line 25, insert:

"6. The Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees on the funding actions planned to be taken under the authority provided by P.1. through 5. of this item, as well as any actions taken pursuant to language included in Item 444.B of this act, within five [5] business days following the presentation of such proposed actions to the Commonwealth Transportation Board. The reporting shall include a listing of the programs and projects impacted, identifying the amount and timing of the use and subsequent replacement of project allocations as required to maintain project schedules. Furthermore, within five [5] business days of a subsequent meeting of the Commonwealth Transportation Board in which official action related to the proposed funding actions is taken, the Secretary shall report to the Governor and Chairs of the House Appropriations and Senate Finance and Appropriations Committees the funding actions approved by the Commonwealth Transportation Board, denoting any changes from the previously reported proposed funding actions. Furthermore, in order to ensure the General Assembly has the opportunity to express its disapproval of any proposed funding shifts, no changes to project allocations shall be made at the same meeting at which they are proposed, but shall be delayed until the subsequent meeting of the Commonwealth Transportation Board."

**Explanation:**

(This amendment includes language requiring the Secretary of Transportation to report to the Chairs of the House Appropriations and Senate Finance and Appropriations detailing the redirection and repayment of Transportation Funds authorized in the introduced budget to address the reduction in Transportation revenues which have occurred due to the pandemic.)

---

Item 436 #1h

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 198, after line 44, insert:

"Q. Notwithstanding any other provision of law, for the duration of a declared state of emergency as defined in § 44-146.16, Code of Virginia, and for up to 90 days after the declaration of a state of emergency has been rescinded or expires, the Commissioner shall ensure that individuals age 65 and older, or with an immunocompromised or other underlying medical conditions are able to complete any necessary transactions either electronically or over the telephone."

**Explanation:**

(This amendment clarifies that the DMV must allow individuals who are 65 or over and individuals with an underlying medical condition can make all needed transactions electronically or on the phone during the state of emergency.)

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Item 436 #2h

**Transportation**

Department of Motor Vehicles

Language

**Language:**

Page 198, after line 44, insert:

"Q. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit (1) Class B driver training schools and (2) computer-based driver education providers, as defined in § 46.2-1700, to administer the end-of-course driver's education test online subject to the requirements prescribed by the Commissioner. Notwithstanding any other provision of law, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit Class B driver training schools with a valid Virginia license to administer their in-class curriculum on an online platform subject to the requirements prescribed by the Commissioner. Notwithstanding the provisions of § 22.1-205, for the duration of a declared state of emergency and for up to 90 days after a declaration of a state of emergency has been rescinded or expires, the Commissioner may permit the parent/student driver education component of the driver's education course to be administered online subject to the requirements prescribed by the Commissioner."

**Explanation:**

(This amendment provides the DMV Commissioner flexibility to allow driver training schools providing training and skills testing for regular driver's license applicants to administer certain portions of the driver education curriculum on an online platform subject to requirements

*Amendments to House Bill 5005, as Introduced*

prescribed by the Commissioner during a declared state of emergency.)

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	Item 477 #1h	
<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Appropriations	\$100,000	\$100,000 GF

**Language:**

Page 204, line 6, strike "\$139,552,150" and insert "\$139,652,150".

Page 204, line 6, strike "\$213,830,664" and insert "\$213,930,664".

Page 204, after line 6, insert:

"CC. Out of the amounts included in this item, amounts estimated at \$100,000 the first year and \$100,000 the second year from the general fund is available for transfer to state agencies and institutions of higher education to effectuate the provisions of legislation adopted during the 2020 General Assembly Special Session I which creates the presumption that COVID-19 is an occupational disease under the Workers Compensation Act for first responders and certain health care workers."

**Explanation:**

(This amendment provides funding pursuant to the enactment of House Bill 5028 of the 2020 Special Session I establishing a presumption that COVID-19 is a work related disease for first responders and certain health care workers under the Workers Compensation Act. The funding requested in this amendment is a placeholder until a detailed fiscal impact estimate developed.)

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	Item 477 #2h	
<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Appropriations	\$0	(\$20,650,000) GF

**Language:**

Page 204, line 6, strike "\$213,830,664" and insert "\$193,180,664".

Page 204, after line 6, insert:

"G.1. Out of the appropriation for this item, an amount estimated at ~~\$41,227,641~~\$20,577,641 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans."

**Explanation:**

(This amendment reduces funding provided for the projected increase in premiums for the state employee health insurance program in fiscal year 2022 based on the high fund balances in the Health Insurance Fund.)

Item 477 #3h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Appropriations	(\$46,111,165)	\$0 GF

**Language:**

Page 204, line 6, strike "\$139,552,150" and insert "\$93,440,985".

Page 204, after line 6, insert:

“CC. The Director of the Department of Planning and Budget shall withhold from general fund appropriations of state agencies and institutions of higher education, and transfer to this item, the amount of \$46,111,165 the second year representing the savings that will be realized from providing a premium holiday for members in the state employee health benefits program, including retirees and COBRA beneficiaries included in the state employee funding pool, for the two pay periods in December 2020.”

**Explanation:**

(This amendment captures savings of \$46.1 million from the general fund in the second year from a health insurance premium holiday covering two pay periods. The premium holiday is possible as a result of a significant increase in the health insurance fund's balances in recent years.)

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Item 479 #1h

<b>Central Appropriations</b>	<b>Language</b>
Central Appropriations	

**Language:**

Page 204, after line 8, insert:

"R. On or before June 30, 2020, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$47,000,000 in unexpended general fund year end balances from budget program 722 originally appropriated in Item 476.10 of Chapter 1283 of the 2020 Acts of Assembly."

**Explanation:**

(This amendment reverts \$47 million in unallocated general fund balances which were originally appropriated for the emergency response to the COVID pandemic. The funding is not needed due to the availability of federal COVID relief funds.)

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Item 479 #2h

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 204, line 8, strike "Not set out." and insert:

"O. On or before December 31, 2020, the Committee on Joint Rules shall authorize a reversion to the general fund of \$500,000 from the World War I and World War II Commemoration Commission (872) from fiscal year 2020 Commission balances."

**Explanation:**

(This amendment transfers balances for the World War I and World War II Commemoration Commission to the general fund. Upon enrolling, Item 479 shall be set out and enrolled appropriately.)

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Item 479.10 #1h

**Central Appropriations**

**FY20-21**

**FY21-22**

Central Appropriations

\$1,300,725,383

\$0 NGF

**Language:**

Page 204, line 9, strike "\$0" and insert "\$1,300,725,383".

Page 204, line 9, strike "Not set out." and insert:

"A.1. The Governor is hereby authorized to appropriate sums to state agencies, institutions of higher education, and other permissible entities the federal funding provided pursuant to the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116- 136), ~~and any other federal funding provided through subsequent legislation approved by Congress with regard to the Coronavirus public health emergency.~~ For the purposes of this item, such federal funding shall be referred collectively to as "federal relief funds". All such federal relief funds shall be subject to applicable federal rules and regulations governing these funds. Amounts so allocated are hereby appropriated *in this item*. Any allocations of remaining federal relief funds by the Governor shall be included in the Executive Budget submitted in accordance with § 2.2-1509, Code of Virginia and subject to the approval of the General Assembly. All allocations of federal relief funds are subject to the provisions and conditions contained in this item.

*2. a. Any new federal funding approved by Congress through subsequent legislation shall be appropriated by the Governor in the Executive Budget, submitted in accordance with § 2.2-1509, Code of Virginia and subject to the approval of the General Assembly.*

*b. All subsequent federal funds provided under Paragraph A.2.a. shall be subject to applicable federal rules and regulations governing these funds and are subject to the provisions and*



*Amendments to House Bill 5005, as Introduced*

*conditions set forth by the General Assembly in subsequent Appropriations Acts.*

**23. Records Management and Reporting**

a. Agencies receiving federal relief funds shall comply with the financial or other data reporting requirements set forth by the State Comptroller or the Director of the Department of Planning and Budget and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

b. Agencies receiving federal relief funds shall comply with all federal reporting requirements for the receipt of any funds and shall compile and maintain all records necessary to fulfill such reporting requirements and to meet any subsequent audit of the expenditure of such federal funds.

c. Agencies receiving federal relief funds shall comply with any requirements established to ensure the transparency of the use or expenditure of such federal funds.

~~3-4.~~ The Governor or his designee shall submit a quarterly report to the Chairs of House Appropriations and Senate Finance and Appropriations Committees that itemizes any appropriation action of federal relief funds. *The Governor or his designee shall submit such report beginning October 31, 2020.*

~~4. It is the intent of the General Assembly that the Commonwealth maximize the use of the federal relief funds. The Governor shall take all reasonable actions necessary to apply for federal relief funds. The Governor shall further ensure that funds are appropriated, distributed, and utilized in a manner that is consistent with the provisions of state and federal law.~~

**B. Apportionment**

*1. Out of the \$3,109,502,836 estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), the following table represents allocations made as of July 1, 2020:*

<i>Item</i>	<i>Amount Appropriated as of 7/1/2020</i>
<i>Allocations to Localities</i>	<i>\$1,289,146,766</i>
<i>FY20 Agency-based Requests</i>	<i>\$80,480,698</i>
<i>DGS - Consolidated Labs</i>	<i>\$6,052,673</i>
<i>DHCD - Emergency Housing for Homeless</i>	<i>\$8,828,998</i>
<i>DHCD - Mortgage and Rental Assistance</i>	<i>\$50,000,000</i>
<i>DMAS - Long-term care facilities</i>	<i>\$55,640,872</i>
<i>DMAS - PPE for Personal Care Attendants</i>	<i>\$9,256,178</i>
<i>DSBSD - Small business assistance grants</i>	<i>\$70,000,000</i>
<i>DSS - Food security - Expand emergency food supply package</i>	<i>\$650,000</i>
<i>VDACS - Food security - Agriculture surplus &amp; emergency food</i>	<i>\$1,211,953</i>

***Amendments to House Bill 5005, as Introduced***

<i>VDEM - Food security - 1 million MREs</i>	\$2,000,000
<i>VDEM - PPE</i>	\$97,000,000
<i>VDEM - Testing</i>	\$42,338,400
<i>VDEM - Other</i>	\$33,722,001
<i>VDH - Contract tracing/UVA Equipment</i>	\$59,157,614
<i>VDH - Replace deficit authorization</i>	\$3,291,300
<b><i>Total</i></b>	<b><i>\$1,808,777,453</i></b>

2. The appropriation in this item includes an amount estimated at **\$1,189,829,009** the first year from the estimated revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. The allocation shall be as follows:

<b><i>Item</i></b>	<b><i>Amount</i></b>
<i>ABC COVID Costs</i>	\$1,000,000
<i>DBHDS - PPE and infection control, reimbursements to CSBs for telehealth &amp; PPE</i>	\$9,000,000
<i>SCC - Offset Utility Debt</i>	\$120,000,000
<i>DHCD - Emergency Housing for Homeless</i>	\$3,000,000
<i>DOC - PPE, medical observation units, overtime</i>	\$7,700,000
<i>Elections - Voter safety for November election - cleaning, personal protective equipment, additional pay for election day workers, drop boxes</i>	\$10,000,000
<i>DMAS - Additional hospital reimbursements for eligible COVID-19 costs</i>	\$60,000,000
<i>DMAS - Hazard pay for home health workers</i>	\$56,100,000
<i>DMAS - Retainer payments for Medicaid DD Waiver Day Support providers</i>	\$25,000,000
<i>HHR - Carilion serology, DBHDS COVID patients, VDH EO costs</i>	\$7,816,724
<i>Higher Education - PPE, Virtual Education, Cleaning , Telework, Other COVID Costs</i>	\$118,790,000
<i>State Museums and Higher Education Centers - PPE, Virtual Education, Cleaning , Telework, Other COVID Costs</i>	\$4,210,000
<i>K-12 - Costs for Re-Opening Schools</i>	\$200,000,000
<i>DSS - Childcare Provider Stabilization Funds</i>	\$60,000,000
<i>DSS - Increase local capacity to provide care for school-age children</i>	\$16,600,000
<i>DSS - Virginia Federation of Food Banks - \$1.0 million per region</i>	\$7,000,000
<i>Statewide - PPE Plan</i>	\$42,112,285
<i>Statewide - Testing and Contact Tracing</i>	\$103,000,000
<i>Statewide - Telework – state agencies</i>	\$28,000,000
<i>Statewide - PPE/Sanitizing for state agencies</i>	\$25,500,000
<i>Statewide - State Agency Compliance with DOLI regulations and other operational costs</i>	\$25,000,000
<i>VDEM - Technical assistance, public education and preparedness</i>	\$10,000,000

***Amendments to House Bill 5005, as Introduced***

<i>VEC - Unemployment Assistance</i>	\$210,000,000
<i>UVA Medical Center – capital, PPE, testing, education</i>	\$20,000,000
<i>VCU Hospital – capital, PPE, testing, education</i>	\$20,000,000
<b><i>Total</i></b>	<b><i>\$1,189,829,009</i></b>

*3. a. The appropriation in this item includes an amount estimated at \$118,790,000 the first year from federal funds to be distributed to the educational and general program at institutions of higher education for the Higher Education - PPE, Virtual Education, Cleaning, Telework, Other COVID Costs cited in paragraph B.1. above.*

*b. Allocations for institutions of higher education Higher Education - PPE, Virtual Education, Cleaning, Telework, Other COVID Costs cited in paragraph B.1. above are as follows:*

<b><i>Institution</i></b>	<b><i>FY 2021 Allocation</i></b>
<i>Christopher Newport University</i>	\$2,000,000
<i>College of William and Mary</i>	5,500,000
<i>George Mason University</i>	12,500,000
<i>James Madison University</i>	6,100,000
<i>Longwood University</i>	1,800,000
<i>University of Mary Washington</i>	3,500,000
<i>Norfolk State University</i>	1,800,000
<i>Old Dominion University</i>	5,800,000
<i>Radford University</i>	4,100,000
<i>University of Virginia</i>	24,140,000
<i>University of Virginia's College at Wise</i>	1,300,000
<i>Virginia Commonwealth University</i>	16,850,000
<i>Virginia Military Institute</i>	600,000
<i>Virginia Polytechnic Institute &amp; State University</i>	14,000,000
<i>Virginia State University</i>	9,600,000
<i>Richard Bland College</i>	250,000
<i>Virginia Community College System</i>	8,700,000
<i>Virginia Institute of Marine Science</i>	250,000
<b><i>Total</i></b>	<b><i>\$118,790,000</i></b>

*4. a. The appropriation in this item includes an amount estimated at \$4,210,000 the first year from federal funds to be distributed to other education institutions for costs associated with the COVID-19 pandemic cited in paragraph B.1. above.*

*b. Allocations for other education institutions for costs associated with the COVID-19 pandemic cited in paragraph B.1. above are as follows:*

***Amendments to House Bill 5005, as Introduced***

<b><i>Institution</i></b>	<b><i>FY 2021 Allocation</i></b>
<i>Eastern Virginia Medical School</i>	<i>\$700,000</i>
<i>New College Institute</i>	<i>1,510,000</i>
<i>Roanoke Higher Education Authority</i>	<i>85,000</i>
<i>Southern Virginia Higher Education Center</i>	<i>75,000</i>
<i>Southwest Virginia Higher Education Center</i>	<i>50,000</i>
<i>Frontier Culture Museum</i>	<i>150,000</i>
<i>Gunston Hall</i>	<i>12,000</i>
<i>Jamestown-Yorktown Foundation</i>	<i>25,000</i>
<i>State Library of Virginia</i>	<i>25,000</i>
<i>Science Museum of Virginia</i>	<i>185,000</i>
<i>Virginia Commission for the Arts</i>	<i>8,000</i>
<i>Virginia Museum of Natural History</i>	<i>10,000</i>
<i>Virginia Museum of Fine Arts</i>	<i>1,375,000</i>
<b><i>Total</i></b>	<b><i>\$4,210,000</i></b>

5. *The appropriation in this item includes \$120,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to be used to help offset utility debt for customers with accounts over 30 days in arrears. The State Corporation Commission shall establish an application process in order to distribute funds directly to utilities based on customer needs. The Commission shall assess the total value of accounts at least 60 days in arrears and the total value of accounts 30 days in arrears during the application process. The Commission shall award funds in a manner that offsets the debt of customer accounts at least 60 days in arrears prior to awarding funds to offset customer accounts 30 days in arrears. Utilities shall apply funds in a manner that subsidizes payments for those customers facing economic hardship. The State Corporation Commission shall work with the Department of Housing and Community Development to transfer any dollars necessary to address the arrearages held by customers of utilities outside the jurisdiction of the Commission. The Director of the Department of Planning and Budget shall distribute funds to the State Corporation Commission within 30 days of the passage of this act. For the purposes of this appropriation, utilities include electric companies subject to regulation of the State Corporation Commission, natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers.*

6. *The appropriation in this item includes \$10,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to support additional costs anticipated for the November 3, 2020 General Election. The Commissioner of the Department of Elections shall distribute these funds directly to offices of general registrars on a population basis within 30 days of the passage of this act. General registrars may use these funds for printing of additional ballots and envelopes; additional mailing or postage costs; additional voting equipment;*

## *Amendments to House Bill 5005, as Introduced*

*installation and security for absentee or mail drop-boxes; temporary elections office staffing; cleaning supplies and protective equipment for staff and poll workers; pre-and post-election cleaning of polling places; additional laptops and mobile equipment; additional automated letter opening equipment; public communication campaigns on voting changes; and other such items that support voter safety during the COVID-19 pandemic.*

*7. The appropriation in this item includes \$3,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to continue to provide emergency housing for homeless populations. This is in addition to the \$8,800,000 that was previously allocated to support this program using the Coronavirus Relief Funds cited in paragraph A.1. of this item.*

*8. The appropriation in this item includes \$210,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to provide additional support for the Virginia's Unemployment Insurance program. The Governor shall work with the Virginia Employment Commission to determine the best use of these funds. The Secretary of Commerce and Trade shall provide the Chairs of the House Appropriations Committee and Senate Finance and Appropriations Committee a status report on the deployment of these funds by November 1, 2020.*

*9. The appropriation in this item includes \$78,500,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above to assist with the operations of state government. This includes (i) \$25,000,000 to help state agencies comply with the Center for Disease Control and Prevention's and the Department of Labor and Industry's regulations for workplace safety during the COVID-19 pandemic, (ii) \$28,000,000 to help state agencies with increased costs for teleworking, and (iii) \$25,500,000 to help state agencies in acquiring PPE and sanitizing facilities. The Director of the Department of Planning and Budget shall within 30 days of the passage of this act solicit and fund requests from state agencies to help cover increased expenses due to teleworking, PPE acquisition, sanitizing state facilities and retrofitting state owned buildings to comply with COVID-19 safety measures.*

*10. The appropriation in this item includes \$1,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the COVID-19 costs incurred by the Alcoholic Beverage Control Authority to continue operation of its headquarters and warehouse facilities, and its retail locations.*

*11. The appropriation in this item includes \$7,700,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the costs for the purchase of personal protective equipment, establishment and operation of medical observation units, overtime costs, and other eligible expenses of the Department of Corrections.*

*12. The appropriation in this item includes \$10,000,000 the first year from the Coronavirus Relief Funds cited in paragraph B.2. above for the provision of technical assistance to local governments and the conduct of a public awareness and education campaign by the Department of Emergency Management.*

*13. The appropriation in this item includes \$200,000,000 the first year to be distributed to*

## ***Amendments to House Bill 5005, as Introduced***

*school divisions to assist with costs associated with the COVID-19 emergency, including but not limited to costs associated with implementing social distancing measures, providing distance learning, and providing computer equipment and internet access to students. Funds shall be distributed to school divisions on a per-pupil basis, based on the projected average daily membership used to calculate direct aid in Chapter 1289, 2020 Acts of Assembly. In expending such funds, school divisions shall comply with federal CARES Act requirements and the most recently published United States Treasury Department guidance for the Coronavirus Relief Fund.*

*14. The appropriation in this item includes \$60,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance Services to make payments to Virginia hospitals for COVID-19 related auditable costs that have not been reimbursed through other federal relief programs available for this purpose in calendar year 2020. The Department shall have the authority to implement such payments in the most efficient and expeditious manner prior to the completion of any regulatory process to effect such changes.*

*15. The appropriation in this item includes \$56,100,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance Services for hazard pay for consumer directed and agency directed personal care attendants who provide Medicaid personal care, respite or companion care services in the amount of \$1,500 per personal care attendant. The Department shall have the authority to implement such payments prior to the completion of any regulatory process to effect such changes.*

*16. The appropriation in this item includes \$25,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Medical Assistance for monthly retainer payments to Medicaid day support providers covering the period of August through December 2020. The Department shall determine the monthly retainer based on the monthly average retainer payments made by Medicaid for dates of service between April 1 and July 31, 2020 and billed, and paid by October 31, 2020. The Department shall have the authority to implement these payments prior to the completion of any regulatory process to effect such changes.*

*17. The appropriation in this item includes \$60,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to provide stabilization grants to licensed child care providers. The Department of Social Services, in collaboration with the Department of Education, shall award such grants with the goals of (i) preserving the long-term capacity of Virginia's early childhood and care system while programs are operating at reduced capacity during the COVID-19 emergency, and (2) providing additional child care slots in the short-term.*

*18. The appropriation in this item includes \$16,600,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above for the Department of Social Services to contract with local partners to provide support to school divisions, local governments, and other entities, including religious institutions and community centers, for the provision of space to increase*

*Amendments to House Bill 5005, as Introduced*

*local capacity to provide care for school-age children, purchase personal protective equipment (PPE) and cleaning supplies, and provide a stable financial environment for the operation of these programs. These funds shall be used prior to the expenditures of general fund amounts provided for this purpose as set forth in Item 350 of this act.*

*19. The appropriation in this item includes \$7,000,000 the first year from Coronavirus Relief Funds cited in paragraph B.2. above to the Department of Social Services for the Virginia Federation of Food Banks to provide \$1,000,000 to each of the seven regional food banks.*

~~B. The Governor is authorized to appropriate, within this item or any other item of this Act, any revenues deposited to the COVID-19 Relief Fund created pursuant to House Bill 881 and Senate Bill 971 of the 2020 Session of the General Assembly. Such appropriations shall be used for the purposes of responding to the impacts of the COVID-19 pandemic which shall include, but not be limited to, i) relief to small businesses, ii) assistance for housing and homelessness, iii) assistance for long term care facilities, and iv) any other purpose designated by the Governor to address the impact of the COVID-19 pandemic. The Governor is authorized to transfer such appropriations and associated revenues to agencies designated to carry out the services required to address the COVID-19 pandemic. The Governor or his designee shall report the use of the COVID-19 Relief Fund to the Chairs of House Appropriations and Senate Finance and Appropriations Committees on a quarterly basis.~~

*C. The Governor is authorized to allocate the remaining amount estimated at \$110,896,009 the first year from the estimated potential revenues to be received from the federal distributions of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) cited in paragraph B.1. above. However, the Governor shall take no action in allocating such funds until a spending plan is made available via electronic means to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees at least two weeks prior to any allocation action.*

~~€. D. Any reports required by paragraphs A., or B., or C. above may be submitted electronically. Further, the reporting requirement shall be considered to have been met if the required information is posted on a public website. However, reports in paragraphs A., B., or C. above are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a.) of this act.~~

~~D. Any unexpended balance remaining in this Item on June 30, 2021, or June 30, 2022, shall be carried forward on the books of the Comptroller and shall be available for expenditure in the next biennium."~~

**Explanation:**

(This amendment allocates remaining Coronavirus Relief Funds and makes technical changes to the authority previously provided related to federal relief funds.)

**Central Appropriations**

Central Appropriations

Language

**Language:**

Page 204, after line 9, insert:

"Notwithstanding the provisions of the second enactments of Chapters 1217 and 1277, 2020 Session of the General Assembly, of the 84 percent of tax revenue designated for allocation to the COVID-19 Relief Fund established pursuant to § 2.2-115.1 of the Code of Virginia, the first \$95,227,730 allocated shall be transferred to Direct Aid for Public Education to provide a one-time hold harmless sales tax payment to school divisions, and any remaining funds shall be deposited to the COVID-19 Relief Fund. Allocations from the COVID-19 Relief Fund shall be included in the Executive Budget, submitted by the Governor in accordance with § 2.2-1509, Code of Virginia and subject to the approval of the General Assembly."

**Explanation:**

(This amendment provides that the first \$95,227,730 of gray machine revenues collected shall be transferred to Direct Aid for Public Education to provide a hold harmless sales tax payment. These amounts are appropriated as nongeneral funds in Item 145 of this act. Subsequent gray machine revenues would be deposited in the COVID-19 Relief Fund. Proposed allocations from such fund would be included in the Governor's introduced budget and subject to approval by the 2021 General Assembly.)

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Item 479.30 #1h

**Central Appropriations**

**FY20-21**

**FY21-22**

Central Appropriations

\$20,341,125

\$187,044,630 GF

**Language:**

Page 204, after line 9, insert:

"A.1. If the official forecast included in the Governor's budget bill submitted for consideration by the 2021 General Assembly is reduced by no more than \$100,000,000 below the general fund revenue forecast included in this act, there is hereby appropriated from the general fund of the state treasury an amount equal to \$20,341,125 the first year for purposes described within this paragraph.

2. If general fund revenue collections for the fiscal year ending on June 30, 2021 meet the forecast in the Appropriation Act, and the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, there is hereby appropriated from the general fund of the state treasury an amount equal to \$187,044,630 the second year for purposes described in paragraph B. of this item.

B.



***Amendments to House Bill 5005, as Introduced***

<b>Contingent Appropriations</b>	<b>FY 2021</b>	<b>FY 2022</b>
Department of Housing and Community Development (DHCD) - Virginia Telecommunication Initiative	\$0	\$16,000,000
DHCD - Housing Trust Fund	\$0	\$23,000,000
State Employee Bonus	\$0	\$79,804,059
Higher Education 4-Year and 2-Year Public Institutions Adjunct Faculty Bonus	\$0	\$2,408,099
State-Supported Local Employee Bonus	\$0	\$15,543,843
Direct Aid to Public Education - Expand Access to School Meals	\$2,500,000	\$4,100,000
Department of Medical Assistance Services (DMAS) - Increase DD Waiver Provider Rates Using Updated Data	\$10,697,611	\$22,037,077
DMAS - Increase Rates for Skilled and Private Duty Nursing Services	\$0	\$6,245,286
DMAS - Eliminate 40 Quarter Work Requirement for Legal Permanent Residents	\$586,046	\$3,289,890
DMAS - Extend FAMIS MOMS' postpartum coverage to 12 months	\$557,468	\$2,116,376
Department of Conservation and Recreation (DCR) - Virginia Land Conservation Fund	\$5,500,000	\$5,500,000
DCR - Dam Safety Funding	\$0	\$5,000,000
Department of Criminal Justice Services - Increase Funding for Pre-Release and Post-Incarceration Services	\$500,000	\$1,000,000
Online Virginia Network Authority	\$0	\$1,000,000
<b>Total Contingent Appropriations</b>	<b>\$20,341,125</b>	<b>\$187,044,630</b>

1. Included in the contingent appropriation, \$16,000,000 from the general fund the second year is available for the Virginia Telecommunications Initiative in Item 114, Paragraph L. of this act.

2. Included in the contingent appropriation, \$23,000,000 from the general fund the second year is available for the Housing Trust Fund in Item 113, paragraph E. of this act.

3.a. Included in the contingent appropriation, \$79,804,059 from the general fund the second year is available to provide all classified employees of the Executive Branch and other full-time employees of the Commonwealth, except elected officials, who were employed on April 1, 2021, and remain employed until at least August 24, 2021, a one-time bonus payment equal to \$1,500 on September 1, 2021.

b. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the bonus payment authorized in this paragraph only if they have attained an equivalent rating of at least "Contributor" on their performance evaluation and have no active written notices under the Standards of Conduct within the preceding twelve-month period.

c. The governing authorities of the state institutions of higher education may provide the bonus for faculty and university staff based on performance and other employment-related factors, as long as the bonuses do not exceed what the average would have been based on the general

*Amendments to House Bill 5005, as Introduced*

methodology authorized in this paragraph.

4. Included in the contingent appropriation, \$2,408,099 the second year from the general fund to provide a \$750 bonus on September 1, 2021 year for adjunct faculty at Virginia two-year and four-year public colleges and higher education institutions.

5. Included in the contingent appropriation, \$15,543,843 from the general fund the second year is provided for a one-time bonus, equal to 1.5 percent of their base salary on September 1, 2021 provided that the governing authority of such employees use such funds to support the provision of a bonus for the following listed employees:

a. Locally-elected constitutional officers;

b. General Registrars and members of local electoral boards;

c. Full-time employees of locally-elected constitutional officers and,

d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

6. Included in the contingent appropriation, \$2,500,000 the first year and \$4,100,000 the second year from the general fund is available for the School Meals Expansion in Item 145, paragraph C.39 of this act.

7. Included in the contingent appropriation, \$10,697,611 the first year and \$22,037,077 the second year from the general fund is available to increase Medicaid rates for group home, sponsored residential and group day support providers for services delivered through the Developmental Disability (DD) waivers using updated data measures available, including wage assumptions, to 100 percent of the rate model benchmark, effective January 1, 2021. The Department of Medical Assistance Services shall have the authority to implement these changes prior to the completion of any regulatory process to effect such changes.

8. Included in the contingent appropriation, \$6,245,286 the second year from the general fund the second year is available to increase rates for Medicaid skilled and private duty nursing services in Item 313, paragraph YYYY. of this act, effective July 1, 2021.

9. Included in the contingent appropriation, \$586,046 the first year and \$3,289,890 the second year from the general fund the second year is available to eliminate the 40 quarter work requirement for legal permanent residents in Item 313, paragraph XXX. of this act, effective January 1, 2021.

10. Included in the contingent appropriation, \$557,468 the first year and \$2,116,376 the second year from the general fund the second year is available to extend FAMIS MOMS' postpartum coverage to 12 months in Item 313, paragraph AAAA. of this act, effective January 1, 2021.

11. Included in the contingent appropriation, \$1,000,000 from the general fund the second year

***Amendments to House Bill 5005, as Introduced***

is available for the expansion of the Virginia Online Network Authority in Item 262 of this act."

**Explanation:**

(This amendment authorizes expenditures for specific programs which are contingent on the revenue forecast that will be updated prior to the 2021 General Assembly Session and fiscal year 2021 actual revenue collections.)

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	Item 479.40 #1h	
<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Appropriations	\$17,859,524	\$10,580,635 GF

**Language:**

Page 204, after line 9, insert:

*"A.1. Included in the appropriation for this item are \$17,859,524 the first year and \$10,580,635 the second year from the general fund for transfer to agencies in order to effectuate the provisions of the following legislation enacted during the General Assembly's 2020 Special Session I. Should any of the legislation listed below fail to be enacted, the funding provided in this amendment for the legislation shall be immediately unallotted upon the enactment of these appropriations.*

*2. Out of the amounts provided in Paragraph A.1. of this item, the allocation shall be as follows:*

<b>Bill</b>	<b>Agency</b>	<b>FY 2021</b>	<b>FY 2022</b>
<i>House Bill 5146</i>	<i>Office of the Executive Secretary</i>	<i>\$1,539,033</i>	<i>\$1,539,033</i>
<i>House Bill 5146</i>	<i>Department of State Police</i>	<i>\$12,581,520</i>	<i>\$438,464</i>
<i>House Bill 5146</i>	<i>Department of Corrections</i>	<i>\$50,000</i>	<i>\$0</i>
<i>House Bill 5148</i>	<i>Department of Corrections</i>	<i>\$1,304,753</i>	<i>\$8,014,264</i>
<i>House Bill 5148</i>	<i>Office of the Attorney General</i>	<i>\$0</i>	<i>\$958,845</i>
<i>House Bill 5148</i>	<i>State Compensation Board</i>	<i>\$0</i>	<i>(\$5,100,000)</i>
<i>House Bill 5051</i>	<i>Office of the Attorney General</i>	<i>\$115,499</i>	<i>\$138,599</i>
<i>House Bill 5051</i>	<i>Department of Criminal Justice Services</i>	<i>\$94,825</i>	<i>\$113,790</i>

**Amendments to House Bill 5005, as Introduced**

<i>House Bill 5043</i>	<i>Department of Behavioral Health and Developmental Services</i>	\$102,000	\$3,400,000
<i>House Bill 5043</i>	<i>Department of Criminal Justice Services</i>	\$102,000	\$122,000
<i>House Bill 5072</i>	<i>Office of the Attorney General</i>	\$114,709	\$229,418
<i>House Bill 5029</i>	<i>Department of Corrections</i>	\$50,000	\$0
<i>House Bill 5045</i>	<i>Department of Corrections</i>	\$50,000	\$0
<i>House Bill 5049</i>	<i>Department of Corrections</i>	\$50,000	\$0
<i>House Bill 5069</i>	<i>Department of Corrections</i>	\$50,000	\$0
<i>House Bill 5098</i>	<i>Department of Corrections</i>	\$50,000	\$0
<i>House Bill 5109</i>	<i>Department of Criminal Justice Services</i>	\$1,605,185	\$726,222
<b>Total</b>		<b>\$17,859,524</b>	<b>\$10,580,635".</b>

**Explanation:**

(This amendment appropriates funding for criminal justice and police reform legislation passed by the House during the 2020 Special Session I. It is the intent of the General Assembly to move the funding to the appropriate agencies upon enrolling, once final determination has been made as to which bills are enacted.)

Item 482.20 #1h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>
Central Appropriations	\$1,000,000	\$0 GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$753,015,992".  
 Page 213, line 43, strike the first "\$1,000,000" and insert "\$0".  
 Page 213, line 44, strike the first "\$1,000,000" and insert "\$0".

**Explanation:**

*Amendments to House Bill 5005, as Introduced*

(This amendment restores funding in the first year for the expansion of the Online Virginia Network.)

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Item 482.20 #2h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$1,000,000	\$1,000,000	GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$753,015,992".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,334,540,477".

Page 205, line 36, strike "\$1,500,000" and "\$1,500,000" and insert: "\$500,000" and "\$500,000".

Page 205, line 39, strike "\$1,500,000" and "\$1,500,000" and insert: "\$500,000" and "\$500,000".

**Explanation:**

(This amendment restores \$1.0 million each year in the general fund provided by the 2020 General Assembly for the State Bar to contract for additional civil indigent defense attorneys to represent individuals in eviction cases. A companion amendment in Item 51 appropriates a nongeneral fund match provided by a private sector contributor.)

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Item 482.20 #3h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	(\$2,000,000)	\$0	GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$756,015,992".

Page 206, line 42, strike "\$0" insert "\$2,000,000".

Page 206, line 44, strike "\$1,000,000" insert "\$3,000,000".

**Explanation:**

(This amendment redirects funding provided for the Virginia Jobs Investment Program to support short-term worker retaining for workers impacted by COVID-19 funded in Item 221.)

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Item 482.20 #4h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
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*Amendments to House Bill 5005, as Introduced*

Central Appropriations \$350,000 \$0 GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$753,665,992".  
 Page 208, line 2, strike the first "\$500,000" and insert "\$150,000".

**Explanation:**

(This amendment restores \$350,000 the first year from the general fund to support educational programming produced by Blue Ridge PBS. The budget passed in March included \$500,000 for this initiative, but funds were subsequently unallotted in April due to the pandemic and eliminated in House Bill 5005.)

Item 482.20 #5h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$3,750,000	\$3,750,000	GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$750,265,992".  
 Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,790,477".  
 Page 216, line 18, strike "\$7,500,000" and "\$7,500,000" and insert:  
 "\$3,750,000" and "\$3,750,000".

**Explanation:**

(This amendment restores \$3.75 million each year for census reduction programs for state-operated psychiatric hospitals that was reduced in the introduced budget. The budget passed in March contained \$7.5 million each year for these programs, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget. Prior to the COVID-19 pandemic, the census of the state-operated psychiatric hospitals averaged 95 percent of their total bed capacity. Through the month of July 2020, the state operated psychiatric hospitals experienced an increase in admissions and at times exceeded their operating bed capacity. Restoration of half of this funding will assist the Department of Behavioral Health and Developmental Services in their efforts to develop public-private partnerships to reduce the census in these facilities.)

Item 482.20 #6h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$170,125	\$226,832	GF

**Language:**

*Amendments to House Bill 5005, as Introduced*

Page 205, line 1, strike "\$754,015,992" and insert "\$753,845,867".  
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,313,645".  
Page 219, strike lines 29 through 31.

**Explanation:**

(This amendment restores \$170,125 the first year and \$226,832 the second year for the an executive director and additional investigator for the Board of Local and Regional Jails.)

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Item 482.20 #7h

<b>Central Appropriations</b>	<b>FY20-21</b>	<b>FY21-22</b>	
Central Appropriations	\$250,000	\$250,000	GF

**Language:**

Page 205, line 1, strike "\$754,015,992" and insert "\$753,765,992".  
Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,335,290,477".  
Page 216, strike line 24.

**Explanation:**

(This amendment restores \$250,000 each year from the general fund to provide grants for recovery residences through the Virginia Association of Recovery Residences to promote services for substance use disorder. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

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Item C-12.10 #1h

**Education**

George Mason University

Language

**Language:**

Page 225, line 24, strike "Not set out." and insert:  
"C-12.10 Planning: Academic VII-STEM, *Science and Technology Campus* (18498)".

**Explanation:**

(This amendment makes a technical project title change clarifying project location based on the institution's capital project request.)

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Item C-61.50 #1h

**Transportation**

Virginia Commercial Space Flight Authority

Language

**Language:**

Page 228, unstrike line 24.

Page 228, line 24, strike "General" and insert "Bond Proceeds".

**Explanation:**

(This amendment changes the fund source for the regional airport hangar project.)

---

Item C-69 #1h

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 230, after line 46, insert:

"A. 1. Included in this item is \$170,700,000 in bond appropriation which may be transferred between and among the capital project pools listed, *or any project within a listed pool notwithstanding § 2.2-1519 E*, in paragraph O. of § 2-0 of this act in order to address any shortfall in appropriation in one or more of such project pools *or project*, pursuant to the provisions of § 2-0, paragraph O., of this act and may be financed in whole or in part through bonds of the Virginia College Building Authority pursuant to § 23.1-1200 et seq., Code of Virginia, or the Virginia Public Building Authority pursuant to § 2.2-2260 et seq., Code of Virginia. Bonds of the Virginia College Building Authority issued to finance these projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Authority as separate issues or as a combined issue. The aggregate principal amount shall not exceed \$170,700,000 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, in accordance with § 2.2-2263, Code of Virginia."

**Explanation:**

(This amendment makes a technical clarifying language to Paragraph A of Item C-69 related to project supplements.)

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Item C-72.10 #1h

**Central Appropriations**

Central Capital Outlay

Language



**Language:**

Page 231, unstrike lines 2 through 7.

Page 231, line 4, strike "General" and insert "Bond Proceeds".

Page 231, line 5, strike "general fund" and insert "bond proceeds".

**Explanation:**

(This amendment changes the funding source for the parkway access project.)

---

Item C-74 #1h

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 231, after line 16, insert:

"A.1. Pursuant to projects authorized and funded in paragraphs B. and E.1. of Item C-39.40 of Chapter 1 of the 2014 Special Session I, Virginia Acts of Assembly, the General Assembly appropriated funds to the Department of General Services (DGS) for Capitol Complex Infrastructure and Security construction projects. Project work includes improvements and safety and security enhancements to be constructed or installed within the right-of-way of North 9th Street (between the area north of where Bank Street intersects North 9th Street and south of where North 9th Street intersects East Broad Street) and within the right-of-way of East Broad Street (between the area from where the ~~western~~ eastern right-of-way line of North 9th Street intersects East Broad Street to where the western right-of-way line of Governor Street intersects East Broad Street), which rights-of-way are owned by the City of Richmond (City), and more specifically as determined by the DGS project team and in collaboration with the City with respect to such rights-of-way. Accordingly, the City and DGS shall enter into a deed of easement or other proper instruments, in such form approved by the Offices of the City Attorney and of the Commonwealth Office of the Attorney General, whereby the City, without charge to the Commonwealth, shall grant to DGS, as agent of the Commonwealth, where mutually agreeable across, over, under and above the referenced right-of-way of North 9th Street and East Broad Street, (a) the perpetual and irrevocable right, privilege and easement to construct, install, use, operate, inspect, maintain, repair, replace, rebuild, improve, alter and remove (i) any construction or installation contracted for by DGS either as part of the referenced construction projects or at any time with respect to safety and security enhancements around the perimeter of Capitol Square deemed appropriate by DGS and (ii) all equipment, accessories, utilities and appurtenances necessary to support such construction projects and such incorporation of safety and security enhancements, (b) the perpetual and irrevocable right, privilege and easement to inspect, maintain, repair, replace and rebuild the sidewalks and elements thereof (but not traffic control devices and signage or street lighting located thereupon) of the referenced right-of-way of North 9th Street and East Broad Street and (c) any

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necessary or appropriate temporary construction easements, upon terms approved by the Mayor of Richmond and the Governor (pursuant to § 2.2-1149, Code of Virginia); approval by Richmond City Council shall not be required.

2. The City, without expending City funds, shall cooperate with DGS (i) to support the referenced construction project work and incorporation of safety and security enhancements at and along North 9th Street and East Broad Street, (ii) to relocate any utilities located in the agreed upon easement area, if necessary, and (iii) to coordinate any closure or other traffic flow controls of North 9th Street and East Broad Street during the performance of the construction projects and the incorporation of any safety and security features that will enhance safety and security around the perimeter of Capitol Square. At no time shall DGS make any permanent changes to the North 9th Street or East Broad Street rights-of-way without the prior approval of the Chief Administrative Officer of the City or the City hinder or delay construction of the referenced construction projects. Notwithstanding the foregoing, DGS may commence the construction project work and safety and security enhancements within the referenced right-of-way of North 9th Street and East Broad Street prior to the execution of a deed of easement or other proper instruments, if deemed necessary by DGS to avoid delay in the implementation of the construction project work or safety and security enhancements.

B. 1. Pursuant to projects authorized and funded in paragraph E.1. of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, operations of the Virginia General Assembly have temporarily moved and now operate from the Pocahontas Building bounded by the following streets 9th to the west, 10th to the east, Bank to the north, and Main to the south in the City of Richmond. This temporary move has resulted in the Commonwealth's legislative activities to be concentrated in an area requiring traffic and pedestrian operational safety and security enhancements. As such, and pursuant to the responsibilities of the Department of General Services (DGS) (§ 2.2-1129) and the Division of Capitol Police (DCP) (§ 30-34.2:1), Bank Street from 9th to 12th Street in the City of Richmond shall be controlled by the DGS and the DCP ~~year-round while General Assembly operations are located, and conducted, in the Pocahontas Building.~~ Vehicular travel limitations and pedestrian management needs on and along Bank Street shall be determined jointly by the DGS and the DCP ~~during that time.~~ These determinations will be based on the recommendations outlined in the Bank Street Safety and Security Assessment prepared by Commonwealth Architects dated February 15, 2017 (the Assessment). Funding for materials and contract services needed to address pedestrian and vehicle management activities are available to DGS from the Chapter referenced in this item.

2. At no time, will DGS or DCP make permanent changes to Bank Street right-of-way (e.g. traffic control devices, security fixtures, street lighting, surface treatments) without the approval of the City of Richmond's Chief Administrative Officer. Additionally, at no time will the City prevent DGS and DCP from implementing and maintaining the recommendations outlined in the Assessment. Bank Street operations, as described in paragraph A., will remain under the control of DGS and DCP year-round until control of Bank Street 1 reverts to the City of Richmond upon the General Assembly, and its operations, vacating the Pocahontas Building, and the General Assembly, with approval of the Governor, authorizing control of Bank Street

back to the City of Richmond."

**Explanation:**

(This amendment makes technical clarifying changes to existing language regarding improvements and safety and security enhancements around Capitol Square.)

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Item C-75 #1h

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 231, after line 17, insert:

"A. The Virginia Public Building Authority, pursuant to § 2.2-2260 et seq. of the Code of Virginia, is authorized to issue bonds in a principal amount not to exceed ~~\$194,901,500~~ \$205,901,500 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 capital 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. The appropriations for the following authorized projects are contained in the appropriation items listed:

<b>Agency Name/Project Title</b>	<b>Project Code</b>	<b>Item</b>	<b>VPBA Bonds</b>
<b>Department of Military Affairs (123)</b>			
Replace/Install Fire Safety Systems in Readiness Centers	18318	C-62	\$3,000,000
<b>Department of State Police (156)</b>			
Upgrade Statewide Radio System (STARS) Network	18414	C-56	\$80,000,000
<b>Department of General Services (194)</b>			
Renovate and Repair Fort Monroe	18191	C-1	\$17,800,000
<b>Department of Conservation and Recreation (199)</b>			

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Make Critical Infrastructure Repairs and Residences at Various State Parks	18366	C-42	\$12,500,000
Renovation of Existing Revenue Generating Cabins	18490	C-46	\$16,158,000
<b>Virginia Museum of Fine Arts (238)</b>			
Repairs and Structural Issues	18503	C-36.50	\$2,750,000
<b>Marine Resources Commission (402)</b>			
Oyster Reef Restoration	18479	C-54	\$10,000,000
<b>Department for the Blind and Vision Impaired (702)</b>			
Improve campus infrastructure	18488	C-39	\$1,223,500
<b>Department of Behavioral Health and Developmental Services (720)</b>			
Address patient and staff safety issues at state facilities	18365	C-38	\$7,600,000
Make infrastructure repairs to state facilities	18307	C-37	\$13,870,000
<b>Virginia Commercial Space Flight Authority (509)</b>			
Virginia Beach Improve Access	18505	C-72.10	\$10,000,000
<b>Central Capital Outlay (949)</b>			
Accomack Regional Airport Hangar	18504	C-61.50	\$1,000,000
<b>Department of Corrections (799)</b>			
DOC Capital Infrastructure Fund	18480	C-55	\$30,000,000
<b>Total VPBA Bonds</b>			<b>\$194,901,500</b>
			<b>\$205,901,500''.</b>

**Explanation:**

(This amendment makes technical corrections to the VPBA table.)

Item C-76.10 #1h

**Central Appropriations**

Central Capital Outlay

Language

**Language:**

Page 231, strike lines 19 through 31.

**Explanation:**

(This amendment eliminates proposed new language which would undo agreements reached during the 2020 Session budget conference.)

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Item 3-1.01 #1h

**Transfers**

Interfund Transfers

Language

**Language:**

Page 233, line 2, strike "Not set out." and insert:

"KK. On or before June 30, 2021, the State Comptroller shall transfer to the general fund an amount estimated at \$275,000 from the Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program."

**Explanation:**

(This amendment transfers nongeneral fund balances from the Virginia Alcohol Safety Action Program to the general fund. Upon enrolling, Item 3-1.01 will be set out and enrolled appropriately.)

---

Item 3-1.01 #2h

**Transfers**

Interfund Transfers

Language

**Language:**

Page 233, line 2, strike "Not set out." and insert:

"KK. The State Comptroller shall transfer on or before June 30, 2021 all funds available in the Aerospace Manufacturer Workforce Training Fund, § 59.1-284.22, Code of Virginia to the general fund. The transfer is estimated at \$1,200,000."

**Explanation:**

*Amendments to House Bill 5005, as Introduced*

(This amendment transfers an estimated \$1.2 million from the Aerospace Workforce Training Fund to the general fund, due to the closure of an Aerospace Engine Manufacturing Facility in Virginia. Upon enrolling, Item 3-1.01 will be set out and enrolled appropriately.)

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Item 3-1.01 #3h

**Transfers**

Interfund Transfers

Language

**Language:**

Page 233, set out Item § 3-1.01.

Item § 3-1.01, Paragraph 2.a., strike "\$125,100,000" and insert "\$136,200,745".

**Explanation:**

(This is a technical amendment to increase the transfer of Alcoholic Beverage Control Authority net profits in fiscal year 2021 by \$11.1 million, to reflect the accrual-based transfer to the general fund of excess fiscal year 2020 Q4 profits deposited in the general fund in Q1 of fiscal year 2021. This amendment is to an item not set out in the Governor's introduced budget; it will be set out in the enrolling process.)

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Item 3-1.01 #4h

**Transfers**

Interfund Transfers

Language

**Language:**

Page 233, set out Item § 3-1.01.

Item § 3-1.01, Paragraph 2.a., strike "\$125,100,000" and insert "\$129,700,000".

Item § 3-1.01, Paragraph 2.a., strike "\$128,700,000" and insert "\$133,500,000".

**Explanation:**

(This amendment is to an item not set out in the governor's introduced budget; it will be set out in the enrolling process. This amendment increases the expected transfer to the general fund of Alcoholic Beverage Control Authority net profits by \$4.6 million in fiscal year 2021 and \$4.8 million in fiscal year 2022. These amounts are based upon higher than assumed growth in gross sales in fiscal year 2020, and assume annual growth in gross sales of 4.5 percent in each of fiscal year 2021 and fiscal year 2022.)

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Item 3-4.01 #1h

**Auxiliary Enterprises and Sponsored Programs in Institutions of Higher Education**

Auxiliary Enterprise Investment Yields

Language

**Language:**

Page 234, after line 33, insert:

"4. Institutions of higher education shall have the authority to use available fund balances from other fund sources, to include educational and general program reserves, to support operations, increased costs or revenue reductions, for auxiliary enterprise programs for the 2020-2022 biennium. However, with the exception of transfer payments, educational and general program reserves may not be used to directly support intercollegiate athletics."

**Explanation:**

(This amendment provides additional flexibility for the use of fund balances to address expenses related to the COVID-19 pandemic.)

---

Item 4-0.01 #1h

**Operating Policies**

Operating Policies

Language

**Language:**

Page 237, strike line 2, and insert:

"g. 1. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § 54.1-2345 of the Code of Virginia, *or any joint meeting of such entities*, may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § 54.1-2345 of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ 2.2-3707 and 2.2-3707.1 of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

2. A public body or governing board convening a meeting in accordance with this subdivision shall:

a) Give notice to the public or common interest community association members using the best

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available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;

b) Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and

3. Public bodies must otherwise comply with the provisions of § 2.2-3708.2 of the Code of Virginia. The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board."

**Explanation:**

(This amendment sets out Item 4-0.01 and modifies the language to include joint meetings of public entities on the list of entities that can meet remotely during a state of emergency. Upon enrolling, Item 4-0.01 will be set out and enrolled appropriately.)

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Item 4-5.11 #1h

**Special Conditions and Restrictions on Expenditures**

Seat of Government Traffic and Pedestrian Safety

Language

**Language:**

Page 238, after line 16, insert:

"The City of Richmond shall transfer fee ownership of the rights-of-way identified in this section to Department of General Services by deed or other instrument, as determined by Department of General Services."

**Explanation:**

(This amendment adds a clarifying technical change to Item 4-5.11 related to traffic and pedestrian safety on Capitol Square.)

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Item 4-8.01 #1h

**Reporting Requirements**

Governor

Language

**Language:**

Page 238, after line 24, insert:

"4. a) *Except for the reports required under Item 479.10 of this act, Notwithstanding any other*



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~~provision of law or of any provision of this Act~~, the Governor may delay or defer the submission of any report or study that is required by the Code of Virginia or by this act of a state entity, including agencies, boards, commissions, and authorities, and that is due prior to June 30, 2021, if in the opinion of the Governor, meeting the reporting deadline is either not possible or is impractical due to impacts of the COVID-19 pandemic on the reporting entity. Reporting entities seeking approval of the Governor to grant such a delay must submit a written request to the Governor no less than 30 days prior to the reporting deadline. Upon receiving approval from the Governor, the reporting entity shall provide the parties designated to receive the report with notice of an approved delay. This notice shall be in lieu of the required report until such time as the required report is submitted. Any report receiving approval for delayed submission shall be submitted as soon as the reporting entity can resume normal business operations and can complete the work necessary to compile the report; however, no report shall be submitted later than 12 months from the original reporting requirement.

b) The Governor may establish guidelines for the submission and approval process described in paragraph a) above."

**Explanation:**

(This amendment makes technical adjustments to reporting requirements.)

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Item 4-14 #1h

**Effective Date**

Effective Date

Language

**Language:**

Page 241, strike lines 21 through 48.

Page 242, strike lines 1 through 6, and insert:

"8.a. At such time the order from the Centers for Disease Control and Prevention dated September 1, 2020, entitled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 (CDC order), is no longer in effect, the provisions outlined in subsections b. and c. shall apply.

1. During such time the CDC order is in effect, for an Owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the landlord a signed statement certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or

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the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection.

2. During such time the CDC order is in effect, if rent is unpaid when due, or if a payment under the term of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit.

b. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17 of the Code of Virginia in response to a communicable disease of public health threat as defined in § 44-146.16 of the Code of Virginia, no landlord shall terminate a residential tenancy, or take any action to obtain possession of a dwelling unit, for non-payment until such declared state of emergency ends except as outlined in subsections c.1. to c.3. below:

c. The following provisions apply to tenants with a loss of income or additional expenses as a result of the declared state of emergency. The landlord may require the tenant provide a statement to the landlord certifying financial hardship, defined as loss of income or increased expenditures as a result of the declared emergency.

1. For an Owner who owns four or fewer rental dwelling units in the Commonwealth, if rent is unpaid when due and the tenant fails to pay rent within fourteen days after written notice is served on him, pursuant to § 55.1-1202, notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below.

2. For an Owner who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, if rent is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the total amount due and owed. The written notice shall also inform the tenant that if the tenant provides to the

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landlord a signed statement certifying that the tenant has experienced additional expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan under which the tenant shall be required to pay the total amount due and owed in equal monthly installments over a period of the lesser of six months or the time remaining under the rental agreement. The total amount due and owed under a payment plan shall not include any late fees, and no late fees shall be assessed during any time period in which a tenant is making timely payments under a payment plan. The written notice shall also inform the tenant that if the tenant fails to either pay the total amount due and owed or enter into the payment plan offered, or an alternative payment arrangement acceptable to the landlord, within fourteen days of receiving the written notice from the landlord, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant fails to pay in full or enter into a written payment plan with the landlord within fourteen days of when the notice is served on him, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251, provided that the landlord also complies with subsection 3. below. If the tenant enters into a payment plan and, after the plan becomes effective, fails to pay any installment required by the plan within fourteen days of its due date, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251, provided that he has sent the tenant a new notice, pursuant to § 55.1-1202, advising the tenant that the rental agreement will terminate unless the tenant pays the total amount due and owed as stated on the notice within fourteen days of receipt and provided that the landlord complies with subsection 3. below. The option of entering into a payment plan or alternative payment arrangement pursuant to this subdivision may only be utilized once during the time period of the rental agreement. Nothing in this subsection shall preclude a tenant from availing himself of any other rights or remedies available to him under the law, nor shall the tenant's eligibility to participate or participation in any rent relief program offered by a nonprofit organization or under the provisions of any federal, state, or local law, regulation, or action prohibit the tenant from taking advantage of the provisions of this subsection. Nothing in this Section shall prevent the establishment of payment plans pursuant to House Bill 5064, 2020 Special Session I for tenants that have not be adversely financially impacted by COVID-19.

3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall serve upon the tenant, pursuant to § 55.1-1202, a written notice informing the tenant of the Virginia Rent and Mortgage Relief Program and information on how to reach 2-1-1 Virginia to determine any additional federal, state, and local rent relief programs. The written notice shall also inform the tenant that the owner, landlord, or owner's licensed agent will apply for rental assistance with the Virginia Rent and Mortgage Relief Program on behalf of the tenant, or the landlord will cooperate with the tenant's application for rental assistance with the Virginia Rent and Mortgage Relief Program, or with another federal, state, or local rent relief program, by providing required documentation for such application, including the W-9 IRS form and any supporting affidavit. If the landlord or the tenant does not receive written approval from the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program within forty five days of when the notice is served on

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the tenant, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. For any subsequent application by the owner, landlord, owner's licensed agent, or the tenant to the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, the administrator of the Virginia Rent and Mortgage Relief Program or the administrator of any other federal, state, or local rent relief program shall work diligently to process such application within fourteen days of submission of such application. If the landlord or tenant does not receive written approval from the Virginia Rent and Mortgage Relief program or any other federal, state, or local rent relief program within fourteen days of submission of the subsequent application, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If the tenant does not qualify for the Virginia Rent and Mortgage Relief Program or any other federal, state, or local rent relief program, or there are no longer funds available from these sources, then the provisions of this subsection do not apply.

d. If a landlord reports to a consumer reporting agency or debt collector regarding a consumer who is participating in the repayment plan or receiving assistance from a federal, state, or local rent relief program, the landlord shall report the account as “current” in accordance with the Public Law 116-36: Corona Virus Aid, Relief, and Economic Security Act.

e. Nothing in this section relieves either the landlord or the tenant from their obligations to maintain the dwelling as those obligations are set forth in Article 2 and Article 3 of Chapter 12 of Title 55.1."

**Explanation:**

(This amendment establishes a policy of payment plans and application for rental assistance during the time when the Center for Disease Control and Prevention's (CDC) order is in place, halting evictions nationally until December 31, 2020. Additionally, this amendment establishes Virginia's policy towards evictions should the CDC order no longer be in effect.)

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Item 4-14 #2h

**Effective Date**

Effective Date

Language

**Language:**

Page 241, strike lines 1 through 20, and insert

"7.a. Notwithstanding any other provision of law, upon the declaration by the Governor of a state of emergency pursuant to § 44-146.17, Code of Virginia, in response to a communicable disease of public health threat as defined in § 44-146.16, Code of Virginia, electric companies subject to regulation of the State Corporation Commission (“Commission”), natural gas suppliers subject to the regulation of the Commission, electric and gas municipal utilities, and water suppliers and wastewater service providers (“utilities”) are prohibited from disconnecting

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service to residential customers for non-payment of bills or fees until the Governor determines that the economic and public health conditions have improved such that the prohibition does not need to be in place, or until at least 60 days after such declared state of emergency ends, whichever is sooner. The utilities shall notify all customers who are at least 30 days in arrears of this utility disconnection moratorium, which may be by bill insert or bill notice.

b. No more than 60 days after the enactment of this act, the utilities shall notify all customers who are at least 30 days in arrears of the COVID-19 Relief Repayment Plan (Repayment Plan), which may be by bill insert or bill notice, such notice shall include eligibility, billing information, applicable financial assistance resources, and contact information where customers may file an initial complaint on Repayment Plan related disputes. All utilities within 60 days after the enactment of this act must offer customers a Repayment Plan for past due accounts while such prohibition is in effect that includes, at minimum, the following provisions:

1. The Repayment Plan shall not require any new deposits, down payments, fees, late fees, interest charges, or penalties, nor shall such plan accrue any fees, interest, or penalties, including prepayment penalties;

2. The Repayment Plan shall amortize the repayment of a customer's utility debt over a minimum period of 6 months and up to 24 months for each utility. The utility in working with a customer to establish a Repayment Plan shall ensure debt repayments are sustainable and affordable for the customer. A customer may satisfy the Repayment Plan in part or in full at any time; and

3. The utilities shall not apply eligibility criteria, such as installment plan history. However, the utilities may require the customer to attest to the utility or to a third party chosen by the utility that the customer has experienced a financial hardship resulting directly or indirectly from the public health emergency or that they have experienced a hardship to pay during the public health emergency.

4. If a utility reports to a consumer reporting agency or debt collector regarding a consumer who is on a Repayment Plan, the utility shall report the account as “current” in accordance with the Public Law 116-36: Coronavirus Aid, Relief, and Economic Security Act.

c. Nothing herein shall limit or prevent the utilities or the residential customers from applying or seeking debt relief or mitigation from any available resource, from entering into another payment plan offered by the utility, or from renegotiating the terms of the Repayment Plan.

d. Utilities shall use the federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) provided in Item 479.10, paragraph B.2. of this act to offset the debt of customers. In applying these funds to customer accounts, utilities shall prioritize providing financial assistance to customers who are at least 60 days in arrears prior to using the funds to assist customers with accounts 30 days in arrears. To the extent possible, utilities shall use available funding to cover one-hundred percent of the customer's arrearage.

In addition to the funds provided in Item 479.10, paragraph B.2. of this act, where applicable,

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utilities must use financial assistance from other utility debt offset programs funded with federal Coronavirus Relief Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) for customers who are at least 30 days in arrears. To the extent possible, utilities must direct customers in writing to these resources when establishing a Repayment Plan.

e. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to regulation of the Commission has accounts receivable arrearages for Virginia customers that exceed 2% of the utility's annual Virginia jurisdictional operating revenues, then the utility may obtain relief from this moratorium by filing an informational letter notice with the clerk of the Commission, stating such facts to demonstrate the exceedance and contemporaneously tendering associated workpapers to the staff of the Commission. The Commission staff shall verify the information as filed by the utility and shall file a verification letter with the Clerk of the Commission. The Commission, upon receipt of a favorable verification letter, shall issue a final order within five days. Upon issuance of an order, a utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

f. Notwithstanding anything to the contrary in this clause 7 or any other provision of law, if a utility subject to this clause 7 but not subject to regulation of the Commission has accounts receivable arrearages that exceed 1% of the utility's annual operating revenues, then the utility may obtain relief from this moratorium if (i) the utility provides a written analysis stating such facts to demonstrate the exceedance to staff of the local governing body, (ii) the utility contemporaneously makes available for public inspection associated workpapers verifying such facts to staff of the local governing body, and (iii) the governing body verifies the exceedance, provides public notice, takes public comment on, and votes to approve that the exceedance is accurate in an open public meeting. In the event of an affirmative vote of the utility's governing body, the utility shall thereafter be exempt from the moratorium provisions of this clause 7.a.

g. The Commission shall allow for the timely recovery of bad debt obligations, reasonable late payment fees suspended, and prudently incurred implementation costs resulting from a Repayment Plan for electric, gas, water, or wastewater utilities, including through a rate adjustment clause or through base rates. The Commission may apply any applicable earnings test in the Commission rules governing utility rate applications and annual informational filings when assessing the recovery of such costs. The Commission shall also require the utilities subject to regulation by the Commission to submit information on the status of the moratorium and the Repayment Plan, including (a) the number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60 days in arrears; (c) the number and value of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (d) the number and value of accounts offset by the funds appropriated in Item 479.10, paragraph B.2. of this act, categorized by days in arrears; and, (e) the cumulative level of customer arrearages by locality. The Commission shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled

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information by December 31, 2020, within three months of the expiration of the prohibition, and annually, on or before December 31st, thereafter for the following two years.

h. Utilities not subject to regulation by the Commission shall submit information on the status of the moratorium and the Repayment Plan to the Commission on Local Government managed by the Department of Housing and Community Development, including (a) the number and value of accounts that are at least 30 days in arrears; (b) the number and value of accounts that are at least 60 days in arrears; (c) the number and value of accounts that are participating in the Repayment Plan, or another repayment plan as set forth by the utility; (d) the number and value of accounts offset by the funds appropriated in Item 479.10, paragraph B.2. of this act and local programs using Coronavirus Relief Funds, categorized by days in arrears; and, (e) the cumulative level of customer arrearages by locality. The Commission on Local Government shall provide the Chairs of the House Committees on Labor and Commerce and Appropriations, the Senate Committees on Commerce and Labor and Finance and Appropriations, and the Secretary of Commerce and Trade an aggregated anonymized report by utility containing such compiled information by December 31, 2020, within three months of the expiration of the prohibition and annually, on or before December 31st, thereafter for the following two years.

i. The reports required in paragraphs g. and h. of this clause 7 are not eligible for deferral or delay as permitted under Item 4-8.01, a.4.a. of this act.

j. Within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 60 days in arrears as of August 31, 2020.

In the utility's 2021 triennial review, any forgiven amounts shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any forgiven amounts against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

Each Phase II Utility shall, no later than December 31, 2020, submit a report to the Governor, the Chairs of the House Committee on Labor and Commerce and Appropriations, and the Senate Committee on Commerce and Labor and Finance and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this act to forgive customer balances."

**Explanation:**

(This amendment outlines a policy to extend Virginia's moratorium on utility disconnections.)

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