

2008 SPECIAL SESSION I

SENATE SUBSTITUTE

082979212

SENATE BILL NO. 5001

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on April 23, 2008)

(Patron Prior to Substitute—Senator Colgan)

A BILL to amend and reenact §§ 2.2-1509.1, 2.2-1514, as it is currently effective and as it may become effective, 2.2-2260, and 23-30.28 of the Code of Virginia, to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 15.1, consisting of sections numbered 2.2-1515 through 2.2-1520, and to repeal § 2.2-1503.2 of the Code of Virginia, relating to providing for capital outlay planning and funding.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.1, 2.2-1514, as it is currently effective and as it may become effective, 2.2-2260, and 23-30.28 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 15.1, consisting of sections numbered 2.2-1515 through 2.2-1520, as follows:

§ 2.2-1509.1. Budget bill to include appropriations for capital outlay projects.

A. For purposes of this section:

"Projected general fund revenues" for a fiscal year means the estimated general fund revenues for such year as contained in the six-year revenue plan submitted in the prior calendar year pursuant to § 2.2-1503.

"Capital outlay project" means the same as that term is defined in ~~§ 2.2-1503.2~~ § 2.2-1515.

B. In "The Budget Bill" submitted pursuant to § 2.2-1509, the Governor shall provide for the funding of capital outlay projects, as specified herein. Such funding recommendations shall be in addition to any appropriation for capital outlay projects from the Central Maintenance Reserve of the general appropriation act.

1. The Governor shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 a biennial appropriation for the capital ~~improvement~~ outlay plan required by ~~§ 2.2-1503.2~~ described in § 2.2-1518. The biennial appropriation shall not be less than two percent of the projected general fund revenues for the biennium.

a. When the projected general fund revenues for a fiscal year or years are eight percent or greater than the projected general fund revenues for the immediately preceding fiscal year the amount of the biennial appropriation for the capital ~~improvement~~ outlay plan that the Governor shall provide from general fund revenues shall not be less than two percent of the projected general fund revenues for each fiscal year.

b. When the projected general fund revenues for a fiscal year or years are at least five percent but less than eight percent greater than the projected general fund revenues for the immediately preceding fiscal year, the Governor may recommend funding of up to one-half of the required biennial appropriation from alternative financing mechanisms, including, but not limited to, bonded indebtedness. The Governor shall submit such bill or bills for consideration by the General Assembly as are necessary to implement such alternative financings, and shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 proposed appropriations from general fund revenues for the remaining one-half of the required biennial appropriation.

c. When the projected general fund revenues for a fiscal year or years are less than five percent greater than the projected general fund revenues for the immediately preceding fiscal year, the Governor may recommend funding of up to the entire required biennial appropriation from alternative financing mechanisms, including, but not limited to, bonded indebtedness. The Governor shall submit such bill or bills for consideration by the General Assembly as are necessary to implement such alternative financings.

2. In implementing the provisions of this section, the amount of general funds to be included in the biennial appropriation for the capital ~~improvement~~ outlay plan shall be calculated on a year-to-year basis, but may be apportioned on a biennial basis; provided, however, that the combined total of general fund appropriations and alternative financing mechanisms for the capital ~~improvement~~ outlay plan included in "The Budget Bill" submitted pursuant to § 2.2-1509 shall equal at least two percent of the projected general fund revenues for the biennium.

C. The capital outlay projects proposed under this section and to be included in "The Budget Bill" submitted pursuant to § 2.2-1509 shall be consistent, *as far as practicable*, with those capital outlay projects included in the corresponding fiscal year of the current six-year capital ~~improvement~~ outlay plan submitted under ~~§ 2.2-1503.2~~. The Governor may deviate from the plan and may propose other projects in "The Budget Bill" so long as he substantially complies with the capital improvement plan and

SENATE SUBSTITUTE

SB5001S1

60 justifies the inclusion of such other projects described in § 2.2-1518.

61 § 2.2-1514. (Contingent expiration date - see Editor's notes) Designation of general fund for
62 nonrecurring expenditures.

63 A. As used in this section:

64 "The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any
65 amendments to a general appropriation act pursuant to such section.

66 "Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as
67 defined in ~~§ 2.2-1503.2~~ § 2.2-1518, the acquisition or construction of capital improvements, the
68 acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified
69 in the general appropriation act. Such term shall not include any expenditures relating to transportation,
70 including but not limited to transportation maintenance.

71 B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to
72 § 2.2-813 as follows: one-third of the remaining amount of the general fund balance that is not
73 otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures,
74 and two-thirds shall be designated for deposit into the Transportation Trust Fund. No such designation
75 shall be made unless the full amounts required for other reserves or designations including, but not
76 limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water
77 Quality Improvement Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant
78 to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general
79 appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of
80 higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of
81 higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general
82 appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public
83 institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside
84 amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined
85 under § 2.2-5005 and for all fiscal years thereafter.

86 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
87 appropriations from the general fund or recommended amendments to general fund appropriations in the
88 general appropriation act in effect at that time an amount for nonrecurring expenditures and an amount
89 for deposit into the Transportation Trust Fund equal to the amounts designated by the Comptroller for
90 such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund
91 shall not preclude the appropriation of additional amounts from the general fund for transportation
92 purposes.

93 § 2.2-1514. (Contingent effective date - see Editor's notes) Designation of general fund for
94 nonrecurring expenditures.

95 A. As used in this section:

96 "The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any
97 amendments to a general appropriation act pursuant to such section.

98 "Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as
99 defined in ~~§ 2.2-1503.2~~ § 2.2-1518, the acquisition or construction of capital improvements, the
100 acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified
101 in the general appropriation act.

102 B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to
103 § 2.2-813 an amount for nonrecurring expenditures, which shall equal the remaining amount of the
104 general fund balance that is not otherwise reserved or designated. No such designation shall be made
105 unless the full amounts required for other reserves or designations including, but not limited to, (i) the
106 Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement
107 Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general
108 appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act,
109 and (b) reappropriations of unexpended appropriations to certain public institutions of higher education
110 pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education
111 pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for
112 the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of
113 higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required
114 for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005
115 and for all fiscal years thereafter.

116 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
117 appropriations from the general fund or recommended amendments to general fund appropriations in the
118 general appropriation act in effect at that time an amount for nonrecurring expenditures equal to the
119 amount designated by the Comptroller for such purpose pursuant to the provisions of subsection B of
120 this section.

121

SIX-YEAR CAPITAL OUTLAY PLAN.

§ 2.2 -1515. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Advisory Committee" means the Six-Year Capital Outlay Plan Advisory Committee established pursuant to § 2.2-1516.

"Capital outlay project" means acquisition of real property, including buildings or plant or machinery or equipment, or new construction or improvements related to state-owned real property, buildings, plant, or machinery or equipment including plans therefor. It shall include any improvements to real property leased for use by a state agency or public educational institution and not owned by the Commonwealth, when such improvements are financed by public funds and become state property upon the expiration of the lease. Capital outlay projects do not include projects that have been included in the Commonwealth Transportation Board's Six-Year Improvement Program.

"Construction phase" means the following steps, as set out in the Construction and Professional Services Manual of the Department of General Services: preparation of final working drawings and specifications, advertising for a sealed bid or proposal, awarding a contract pursuant to law, and actual construction of a project.

"Detailed planning" means the preparation of architectural and engineering documents up to the preliminary design stage, as defined in the Construction and Professional Services Manual of the Department of General Services.

"Pre-planning" means a process meant to obtain a more detailed definition and cost estimate of a project. It may include the following elements, as appropriate:

1. Statement of program definition including functional space requirements, estimates of gross and net square footage, and functional adjacency requirements;

2. Analysis of program execution options, including review of new construction versus renovation alternatives, necessary phasing or sequencing of the project, and coordination with other ongoing or proposed capital projects;

3. Site analysis, including options considered and, for the site chosen, any specific issues related to topography, utilities, or environment;

4. Presentation, including site plan, conceptual floor plans and elevations, and conceptual exterior;

5. Identification of any Uniform Statewide Building Code compliance or permit requirements unique to the project; or

6. Cost estimate for the project to include total cost of the project, construction cost for the project, total cost per square foot, construction cost per square foot, costing methodology, and identification of any factors unique to the project that may impact overall project cost.

"Project" means a capital outlay project included in the six-year capital outlay plan described in § 2.2-1518.

"Value engineering" means a systematic process of review and analysis of a project by a team of appropriate professionals licensed in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1. As a result of such review and analysis, the team may recommend changes to improve the project's quality or to reduce the total project cost without reducing the overall quality or function of the project.

§ 2.2-1516. Six-Year Capital Outlay Plan Advisory Committee.

A. There is hereby established the Six-Year Capital Outlay Plan Advisory Committee. The Advisory Committee shall consist of the following, or their designees: the Secretary of Finance, the Director of the Department of Planning and Budget, the Director of the Department of General Services, the Executive Director of the State Council of Higher Education for Virginia, and the staff directors of the House Appropriations Committee and the Senate Finance Committee.

B. 1. On or before November 1, 2008, the Advisory Committee shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a proposed list of new capital outlay projects (and previously planned or authorized capital outlay projects) to be funded entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009.

2. The list shall include projects by agency, in priority order for each agency. In determining priorities, the Advisory Committee shall consider, but not be limited to, the following:

a. Projects that address safety, health, regulatory, security, environmental requirements, or accreditation;

b. Projects to upgrade or replace major mechanical systems and utility infrastructure;

c. Projects to renovate or maintain existing facilities;

d. Projects to construct, expand, or acquire facilities in order to meet programmatic needs;

e. For public institutions of higher education, projects that meet State Council of Higher Education for Virginia recommendations or guideline parameters;

f. Projects that improve energy efficiency;

g. Projects that are listed on, or eligible to be listed on, the Virginia Landmarks Register;

h. Renovation projects for which a facility condition assessment has been completed; and

i. Projects previously planned.

3. The list shall:

a. Identify each capital outlay project;

b. Describe the scope and nature of the project; and

c. Include any other information that the Advisory Committee deems useful.

C. Beginning in 2009, on or before October 1 of each year, the Advisory Committee shall make recommendations to the Governor and the Chairmen of the House Appropriations and the Senate Finance Committees of any changes to the current six-year capital outlay plan (described in § 2.2-1518) and of project funding, including adjusting the fiscal years covered by the plan so that the plan will cover the six fiscal years beginning July 1 of the following year.

§ 2.2-1517. Agency submission of information.

In addition to all other reporting requirements imposed upon state agencies and public educational institutions provided under law, state agencies and public educational institutions shall submit to the Advisory Committee information requested by the Advisory Committee in the format and on the schedule established by the Advisory Committee for the initial development of the capital outlay project list as described in § 2.2-1516, as well as for the annual modifications to the six-year capital outlay plan described in § 2.2-1518. The information for the annual modifications shall include, but not be limited to, changes in cost estimates.

§ 2.2-1518. Governor to submit a tentative bill for a capital outlay plan; gubernatorial amendments proposed to the plan.

A. 1. No later than January 13, 2009, the Governor shall submit to the General Assembly a tentative bill establishing a capital outlay plan that includes new capital outlay projects (and previously planned or authorized capital outlay projects) that the Governor proposes to be funded entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009. Projects included in the capital outlay plan shall be in addition to any projects for which funds are appropriated from the Central Maintenance Reserve of the general appropriation act.

2. The capital outlay plan submitted by the Governor shall list capital outlay projects in different tiers. Each tier shall be a grouping of capital outlay projects with the total estimated cost of each project in the tier falling within a minimum and a maximum project cost assigned to the tier, provided that no estimated project costs shall be set out in the plan. The minimum and maximum range assigned to a tier shall be mutually exclusive of all other minimum and maximum ranges assigned to other tiers in order that no capital outlay project shall be reported in more than one tier.

For each capital outlay project listed in the plan the Governor shall provide the following information: (i) the agency or public educational institution to which the project is related, (ii) a description of the project, and (iii) a ranking number assigned to the project, which number shall signify the priority of the project when compared to all other projects of the agency or institution listed in the plan.

B. In 2010 and each year thereafter, the Governor shall, by no later than the day that immediately precedes the first day of the regular session of the applicable General Assembly, submit to the General Assembly a tentative bill proposing amendments to the current capital outlay plan enacted into law, including adjusting the fiscal years covered by the plan so that the plan will cover the six fiscal years beginning on the immediately following July 1. Any such tentative bill shall be submitted using the format described in subsection A.

C. In submitting to the General Assembly tentative bills for the initial capital outlay plan and for plan amendments, the Governor shall consider the capital outlay project list submitted by the Advisory Committee pursuant to § 2.2-1516 and any amendments to the six-year capital outlay plan recommended by the Advisory Committee pursuant to such section.

§ 2.2-1519. Implementation of certain capital outlay projects.

A. 1. The Central Capital Planning Fund, the State Agency Capital Account, and the Public Educational Institution Capital Account established pursuant to § 2.2-1520 shall be used to fund capital outlay projects included in the six-year capital outlay plan enacted into law.

2. In addition, public educational institutions and state agencies may request authority and appropriation to conduct pre-planning for any such project using nongeneral fund sources. Such costs may be reimbursed up to the lesser of \$250,000 or one percent of the project construction costs.

B. A Virginia-based contractor who does not have the same number of years of comparable experience under construction management or design-build shall not be penalized for having less comparable experience in construction management or design-build projects, provided such contractor does have significant experience in constructing comparable projects under design-bid-build. The procuring entity shall consider the experience and quality of work that a contractor has done on projects comparable to the project being procured, whether under construction management, design-build, or design-bid-build. These factors shall be considered by the procuring entity in making its

245 decisions in a pre-qualification or a contractor selection process.

246 C. If at any time during the detailed planning phase the total cost of a capital outlay project is
 247 estimated to exceed a threshold amount set forth in the general appropriation act for the required use of
 248 value engineering, then value engineering shall be utilized for such project. Each agency and public
 249 educational institution shall retain documentation of the value engineering process conducted for any
 250 project, including documentation relating to (i) recommendations offered to the agency or institution, (ii)
 251 recommendations accepted and rejected by the agency or institution, and (iii) any savings to the agency
 252 or institution resulting from the adoption of each recommendation.

253 D. For capital outlay projects for which an appropriation is made to the State Agency Capital
 254 Account or the Public Educational Institution Capital Account, after an agency or public educational
 255 institution has received authorization to move to the construction phase of a project, the Director of the
 256 Department of Planning and Budget shall transfer sufficient appropriation from the State Agency
 257 Capital Account or the Public Educational Institution Capital Account, as appropriate.

258 E. 1. Prior to an agency or public educational institution awarding a construction contract for a
 259 project, the Director of the Department of General Services shall review the lowest bid or best proposal
 260 for the project. If the total amount of such bid or proposal, plus previously expended funds and a
 261 reasonable allowance for contingencies, does not exceed 105 percent of the general fund-supported
 262 resources for the project as determined during the detailed planning phase, the Director of the
 263 Department of General Services and the Director of the Department of Planning and Budget may
 264 approve the contract. If the total amount of such bid or proposal, plus previously expended funds and a
 265 reasonable allowance for contingencies, exceeds 105 percent of the general fund-supported resources for
 266 the project, the Directors shall not approve the contract unless funding of that portion of such total
 267 project cost in excess of 105 percent of the general fund-supported resources allocated to the project is
 268 from nongeneral fund sources such as private funds, gifts, grants, auxiliary funds, or federal funds as
 269 appropriate.

270 2. If an agency or public educational institution is unable to procure funding from nongeneral fund
 271 sources for that portion of such total project cost in excess of 105 percent of the general fund-supported
 272 resources allocated to the project, then the agency or institution may reduce the size or scope of the
 273 project as necessary to remain within 105 percent of the general fund-supported resources allocated to
 274 the project, provided that (i) it has completed a value engineering review by or in collaboration with the
 275 Department of General Services, (ii) it has provided a written, detailed analysis of the proposed
 276 reduction to the Governor and to the Chairmen of the House Appropriations and Senate Finance
 277 Committees, and (iii) the project after such reduction in size or scope is substantially similar in quality
 278 and functionality to the original project.

279 3. An agency or public educational institution may request a supplemental allocation of general
 280 fund-supported resources through the budget process only if it submits a written certification to the
 281 Chairmen of the House Appropriations and Senate Finance Committees, the Director of the Department
 282 of General Services, the Director of the Department of Planning and Budget, and, for public institutions
 283 of higher education only, the Executive Director of the State Council of Higher Education, which
 284 certification (i) states that additional funding from nongeneral fund sources as described in subdivision
 285 1 will be insufficient to pay for the full amount of the project cost that is in excess of 105 percent of the
 286 general fund-supported resources allocated to the project and (ii) provides a detailed analysis and
 287 description of the project as modified for a reduction in size or scope as described in subdivision 2 as
 288 well as a justification for why such modifications in size or scope cannot be achieved.

289 4. Nothing in this section shall preclude an agency or public educational institution from providing
 290 for re-design or additional value engineering of projects or re-bidding or re-submitting of proposals.

291 5. No construction contract for a capital outlay project included in the six-year capital outlay plan
 292 enacted into law shall be awarded unless first approved by the Director of the Department of General
 293 Services and the Director of the Department of Planning and Budget.

294 F. After a project has been approved by the Director of the Department of General Services and the
 295 Director of the Department of Planning and Budget, the Director of the Department of Planning and
 296 Budget shall transfer to the project the remaining funds needed for construction from the State Agency
 297 Capital Account or the Public Educational Institution Capital Account, as appropriate.

298 § 2.2-1520. Certain funds established.

299 A. There is hereby established a special, nonreverting fund in the state treasury to be known as the
 300 Central Capital Planning Fund, hereafter referred to as the Fund. The Fund shall include such moneys
 301 as may be appropriated by the General Assembly from time to time and designated for the Fund. The
 302 Fund shall be established on the books of the Comptroller and shall be administered by the Director of
 303 the Department of Planning and Budget. Any moneys remaining in the Fund at the end of each fiscal
 304 year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be
 305 used solely to pay the pre-planning or detailed planning costs of capital outlay projects that have been

306 approved for pre-planning or detailed planning by the General Assembly.

307 *B. The State Agency Capital Account shall be established in the general appropriation act as a*
308 *separate item for appropriation purposes. The State Agency Capital Account shall consist of*
309 *appropriations of the proceeds from the sale of certain bonds by the Virginia Public Building Authority*
310 *that are designated for the Account and any other moneys as may be appropriated by the General*
311 *Assembly. The Account shall be administered by the Director of the Department of Planning and Budget*
312 *consistent with the provisions of this chapter. The Account shall be used to finance the construction of*
313 *projects, as defined in § 2.2-2260, that have been approved for construction by the General Assembly. In*
314 *addition, it is required that the Account reimburse the Central Capital Planning Fund for payments*
315 *made for pre-planning or detailed planning of all such projects that have been approved for*
316 *construction by the General Assembly.*

317 *C. The Public Educational Institution Capital Account shall be established in the general*
318 *appropriation act as a separate item for appropriation purposes. The Public Educational Institution*
319 *Capital Account shall consist of appropriations of the proceeds from the sale of certain bonds by the*
320 *Virginia College Building Authority that are designated for the Account and any other moneys as may*
321 *be appropriated by the General Assembly. The Account shall be administered by the Director of the*
322 *Department of Planning and Budget consistent with the provisions of this chapter. The Account shall be*
323 *used to finance the construction of projects, as defined in § 23-15, that have been approved for*
324 *construction by the General Assembly. In addition, it is required that the Account reimburse the Central*
325 *Capital Planning Fund for payments made for pre-planning or detailed planning of all such projects*
326 *that have been approved for construction by the General Assembly.*

327 § 2.2-2260. Short title; definition.

328 A. This article may be cited as Virginia Public Building Authority Act of 1981.

329 B. As used in this article, unless the context requires a different meaning:

330 "Construction" or "to construct" means acquisition and construction, all in such manner as may be
331 deemed desirable.

332 "Cost" means as applied to a project financed under the provisions of this article, the sum total of all
333 costs reasonable and necessary for carrying out all works and undertakings necessary or incident to
334 accomplish a project, including, but not limited to the cost of all necessary developmental, planning and
335 feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal or other
336 special services, the cost of acquisition of land and any buildings and improvements thereon, including
337 the discharge of any obligations of the vendor of such land, buildings or improvements, site preparation
338 and development including demolition or removal of existing structures, construction, and reconstruction,
339 furnishing of a project, the reasonable cost of financing incurred in the course of the development of a
340 project, carrying charges during construction to the occupancy date, interest on bonds issued to finance a
341 project to a date subsequent to the estimated date of completion of a project, necessary expenses
342 incurred in connection with the initial occupancy of a project, *the cost of reimbursing the Central*
343 *Capital Planning Fund, established under § 2.2-1520, for payments made for pre-planning or detailed*
344 *planning of all projects that have been approved for construction by the General Assembly,* the funding
345 of such funds and accounts as the Authority determines to be reasonable and necessary and the cost of
346 such other items as the Authority determines to be reasonable and necessary.

347 "Fixtures" and "furnishings" means any fixtures, leasehold improvements, equipment, office furniture
348 and furnishings whatsoever necessary or desirable for the use and occupancy of such project, and the
349 terms "to furnish" and "furnishing" means the acquisition and installation of such fixtures, equipment
350 and furnishings.

351 "Improvement" or "to improve" means extension, enlargement, improvement, and renovation, all in
352 such manner as may be deemed desirable.

353 "Personal property" means all items of equipment, fixtures, and furnishings, including items affixed
354 to real property.

355 "Project" means any structure, facility, personal property or undertaking that the Authority is
356 authorized to finance, refinance, construct, improve, furnish, equip, maintain, acquire, or operate under
357 the provisions of this article.

358 § 23-30.28. Bonds of Authority generally.

359 In order to provide funds for the purchase of educational institution bonds as authorized by
360 § 23-30.27, to provide funds for the acquisition of equipment as authorized by § 23-30.27:1, *to provide*
361 *funds for the reimbursement of the Central Capital Planning Fund, established under § 2.2-1520, for*
362 *payments made for pre-planning or detailed planning of all projects that have been approved for*
363 *construction by the General Assembly,* and to provide funds for the purpose of paying all or any part of
364 the cost of any one or more projects or of any portion or portions thereof, the Authority is hereby
365 authorized to provide by resolution, at one time or from time to time, for the issuance of bonds of the
366 Authority in such amount or amounts as the Authority shall determine. Such bonds of the Authority
367 shall be payable solely from funds of the Authority, including, but without limitation, any one or more

of the following: (i) payments of principal of and interest on educational institution bonds purchased by the Authority, (ii) the proceeds of the sale of any such educational institution bonds, (iii) payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments or any other source of revenue, (iv) the proceeds of the sale of any such obligations or assets, (v) the proceeds from the sale of bonds of the Authority, (vi) payments made by educational institutions under leases or sales of equipment by the Authority, (vii) funds realized from the enforcement of security interests or other liens securing such bonds, (viii) payments due under letters of credit, policies of bond insurance, bond purchase agreements or other credit enhancements securing payment of principal of and interest on bonds of the Authority, (ix) any moneys held in funds established by the Authority pursuant to § 23-30.27:1, (x) any reserve or sinking funds created to secure such payment, and (xi) other available funds of the Authority. Bonds of the Authority issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the faith or credit of the Commonwealth and all bonds of the Authority shall contain on the face thereof a statement to the effect that neither the faith and credit, nor the taxing power of the Commonwealth or of any political subdivision thereof is, or shall be, pledged to the payment of the principal of or the interest on such bonds.

The bonds of each issue shall be dated, shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The bonds may bear interest payable at such time or times and at such rate or rates as determined by the Authority or as determined in such manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by it. The principal and interest of such bonds may be made payable in any lawful medium. The Authority shall determine the form of the bonds and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at the office of the State Treasurer or at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this chapter (other than bonds registered as to principal or in registered form) shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the law of this Commonwealth. The bonds shall be in such form, shall bear interest at such rate or rates, either fixed rates or rates established by formula or other method, and may contain such other provisions, all as the Authority may determine. The principal of and premium, if any, and interest on the bonds shall be payable in lawful money of the United States of America. The Authority shall fix the denomination or denominations of the bonds and place or places of payments of principal, premium, if any, and interest at any one or more banks or trust companies within or without the Commonwealth.

Bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal of and premium, if any, and interest on the bonds.

The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be in the best interests of the Authority. The proceeds of such bonds shall be disbursed for the purposes for which such bonds shall have been issued under such restrictions, if any, as the resolution authorizing the issuance of such bonds or the trust indenture hereinafter mentioned may provide. Prior to the preparation of definitive bonds, the Authority may under like restrictions issue temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bond which shall become mutilated or shall be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than the proceedings, conditions, and things which are specified and required by this chapter.

Neither the members of the Authority nor any person executing any bonds issued under the provisions of this chapter shall be liable personally on such bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No project for an institution listed in § 23-14 shall be undertaken by the Authority if such project was not specifically included in a bill passed by a majority of those elected to each house of the General Assembly, authorizing such project or projects. In addition, any such project to be financed by bonds issued by the Authority secured by a pledge of any one or more of the revenue sources cited in subdivisions (1) through (4) of subsection (d) of § 23-19 shall have been designated by the institution's board of visitors as a project to be undertaken by the Authority.

429 2. § 1. That pursuant to § 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes
 430 the Virginia Public Building Authority (VPBA) to undertake the following projects including, without
 431 limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities,
 432 improvements, and land therefor; and to exercise any and all powers granted to it by law in connection
 433 therewith, including the power to finance all or any portion of the cost thereof by the issuance of
 434 revenue bonds in a principal amount not to exceed \$162,925,000 plus amounts needed to fund issuance
 435 costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or
 436 renovation and for one year after completion thereof, and other financing expenses. The General
 437 Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section.

Agency	Project Title	Amount
Department of Conservation and Recreation	Construct High Bridge State Park, Phase I	\$7,500,000
Department of Conservation and Recreation	Construct and Equip Andy Guest State Park Cabins and Facilities	2,425,000
Department of Mental Health, Mental Retardation and Substance Abuse Services	Repair/Replace Central Virginia Training Center	43,000,000
Department of Mental Health, Mental Retardation and Substance Abuse Services	Replace Western State Hospital	110,000,000
Total		\$162,925,000

450 § 2. That pursuant to § 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes the
 451 Virginia Public Building Authority (VPBA) to undertake the following projects including, without
 452 limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities,
 453 improvements, and land therefor; and to exercise any and all powers granted to it by law in connection
 454 therewith, including the power to finance all or any portion of the cost thereof by the issuance of
 455 revenue bonds in a principal amount not to exceed \$274,746,000 plus amounts needed to fund issuance
 456 costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or
 457 renovation and for one year after completion thereof, and other financing expenses. The General
 458 Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section.

Agency	Project Title
Department of Corrections	Replace Roofs Umbrella Project
Department of Corrections	Repair/Replace Door Controls at Greenville
Department of Corrections	Construct Wastewater Treatment Plant at Bland
Department of Education	Construct/Renovate Consolidated Virginia School for Deaf and Blind at Staunton
Department of General Services	Construct, or Acquire and Renovate, Taxation Channel Facility
Department of General Services	Blanket Property Acquisition Project
Department of Conservation and Recreation	Construct Powhatan State Park, Phase I
Department of Mental Health, Mental Retardation and Substance Abuse Services	Life Safety and Major Mechanical Repairs Umbrella
Department of Mental Health, Mental Retardation and Substance Abuse Services	Repair/Replace Southeastern Virginia Training Center
Science Museum of Virginia	Construct Danville Science Center Planetarium and Theater
Department of Agriculture and Consumer Services	Construct Eastern Shore Seafood Lab
Virginia Commercial Space Flight Authority	Improve Wallops Flight Facilities
Woodrow Wilson Rehabilitation Center	Repair Barnett Dorm
Woodrow Wilson Rehabilitation	Repair Kitchen and Dining Hall

487 Center

488 § 3. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes the
 489 Virginia College Building Authority to undertake the following projects including, without limitation,
 490 constructing, improving, furnishing, equipping, acquiring and renovating buildings, facilities,
 491 improvements, and land therefor; to exercise any and all powers granted to it by law in connection
 492 therewith; and to finance all or any portion of the cost thereof by the issuance of revenue bonds in a
 493 principal amount not to exceed \$368,833,000 plus amounts needed to fund issuance costs, reserve funds,
 494 original issue discount, interest prior to and during acquisition, construction or renovation and for one
 495 year after completion thereof, and other financing expenses. The General Assembly hereby appropriates
 496 the proceeds from any such bonds for the projects listed in this section.

497 The Authority may pay all or any part of the cost of any project hereinafter listed or authorized or
 498 any portion thereof with any income and reserve funds of the Authority available for such purpose, and
 499 in such case may transfer such funds of the Authority, with the approval of the Governor.

500	Institution	Project Title	Amount
501	Christopher Newport	Construct Integrated Science	
502	University	Science Center (Phase I)	\$59,800,000
503	College of William and Mary	Construct School of	
504		Education	38,085,000
505	Longwood University	Renovate and	
506		Expand Bedford Hall	29,500,000
507	Norfolk State University	Replace Library	45,139,000
508	University of Mary	Construct Dahlgren Campus	
509	Washington		18,400,000
510	University of Virginia	Construct Information	
511		Technology	
512		Engineering Building	38,509,000
513	Virginia Commonwealth	Construct New School of	
514	University	Medicine, Phase I	58,000,000
515	Virginia State University	Renovate/Expand Hunter	
516		McDaniel Hall	22,400,000
517	Virginia Polytechnic	Construct Medical School	
518	Institute and State	and Research Institute	
519	University		59,000,000
520	Total		\$368,833,000

521
 522 § 4. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes the
 523 Virginia College Building Authority to undertake the following projects including, without limitation,
 524 constructing, improving, furnishing, equipping, acquiring and renovating buildings, facilities,
 525 improvements, and land therefor; to exercise any and all powers granted to it by law in connection
 526 therewith; and to finance all or any portion of the cost thereof by the issuance of revenue bonds in a
 527 principal amount not to exceed \$595,760,000 plus amounts needed to fund issuance costs, reserve funds,
 528 original issue discount, interest prior to and during acquisition, construction or renovation and for one
 529 year after completion thereof, and other financing expenses. The General Assembly hereby appropriates
 530 the proceeds from any such bonds for the projects listed in this section.

531 The Authority may pay all or any part of the cost of any project hereinafter listed or authorized or
 532 any portion thereof with any income and reserve funds of the Authority available for such purpose, and
 533 in such case may transfer such funds of the Authority, with the approval of the Governor.

534	Institution	Project Title
535	College of William and Mary	Construct/Replace Cooling Plant and
536		Utility Improvements, Phase II
537	George Mason University	Renovate Science and Technology II
538	George Mason University	Construct Krasnow Addition,
539		Phase II
540	George Mason University	Construct Institute for
541		Conflict Analysis and Resolution
542	George Mason University	Construct Arts Facility,
543		Prince William
544	James Madison University	Construct Biotechnology/

545		Centennial Hall
546	James Madison University	Boiler Replacement and
547		Infrastructure, Phase I
548	Old Dominion University	Construct Consolidated Arts
549		Complex
550	Old Dominion University	Construct New Student Success
551		Facilities
552	Old Dominion University	Acquire Virginia Modeling Analysis and
553		Simulation Center
554	Radford University	Construct New School of Business
555	Richard Bland College	Construct Science and
556		Technology Center
557	Richard Bland College	Umbrella Repair Project
558	University of Virginia	Repair/Replace Central Grounds
559		Infrastructure
560	University of Virginia	Americans with Disability Act Campus
561	at Wise	Accessibility Projects
562	University of Virginia	Renovate Greear and Construct
563	at Wise	Multipurpose Center
564	Virginia Commonwealth	Renovate Massey Cancer Center
565	University	Laboratory Support
566	Virginia Commonwealth	Renovate School of Pharmacy
567	University	
568	Virginia Commonwealth	Construct Satellite Dental
569	University	Clinic at Wise
570	Virginia Community College	Construct Phase III Academic
571	System	Building, Woodbridge Campus,
572		Northern Virginia
573	Virginia Community College	Construct Learning Resources
574	System	Building, Virginia Beach
575		Campus, Tidewater
576	Virginia Community College	Construct Academic Services
577	System	Building, Germanna
578	Virginia Community College	Construct New Science
579	System	and Technology Building,
580		Virginia Western
581	Virginia Community College	Construct Academic Building,
582	System	Chesapeake Campus, Tidewater
583	Virginia Community College	Construct Higher Education
584	System	Center, Loudoun Campus,
585		Northern Virginia
586	Virginia Community College	Renovate Dalton Cantrell Hall,
587	System	Mountain Empire
588	Virginia Community College	Renovate Phase I Facility,
589	System	Downtown Campus, J. Sargeant
590		Reynolds
591	Virginia Community College	Renovate Academic Classrooms and
592	System	Administrative Building,
593		Rappahannock
594	Virginia Community College	Renovate Russell Hall, Southwest
595	System	Virginia
596	Virginia Community College	Construct Motorsports/Workforce
597	System	Development Center, Patrick Henry
598	Virginia Community College	Renovate Hampton III Building,
599	System	Thomas Nelson
600	Virginia Community College	Renovate Warren/Scott Hall,
601	System	Dabney Lancaster

602	Virginia Community College	Americans with Disability Act Projects,
603	System	Systemwide
604	Virginia Community College	Upgrade Major Mechanical
605	System	Systems, Paul D. Camp
606	Virginia Community College	Renovate Chester Library,
607	System	John Tyler
608	Virginia Community College	Construct Support Services Building,
609	System	Woodbridge, Northern Virginia
610	Virginia Community College	Upgrade Electrical Systems,
611	System	Wytheville
612	Virginia Community College	Renovate Smith Building, Lord
613	System	Fairfax
614	Virginia Community College	Construct Occupational Program
615	System	Building, Culinary Arts Career
616		Studies Certification Program,
617		Central Virginia
618	Virginia Community College	Replace HVAC, New River
619	System	
620	Virginia Community College	Construct Greenhouse and Storage
621	System	Facility, Virginia Highlands
622	Virginia Institute of	Replace Eastern Shore Seawater
623	Marine Science	Laboratory
624	Virginia Institute of	
625	Marine Science	Control Shoreline Erosion
626	Virginia Military	Improve Military and Leadership
627	Institute	Field Training Grounds, Phase I
628	Virginia State University	Construct Multipurpose Center
629		(Land Acquisition)
630	Virginia Polytechnic	Construct Sciences Building
631	Institute and State	Laboratory I
632	University	
633	Virginia Polytechnic	Construct Technology Research and
634	Institute and State	Innovation Center
635	University/Hampton Roads	
636	Consortium	
637	<i>3. § 1. That the following projects shall be funded for detailed planning from amounts in the Central</i>	
638	<i>Capital Planning Fund established under § 2.2-1520 of the Code of Virginia, and the following amounts</i>	
639	<i>are hereby appropriated from the Central Capital Planning Fund for such purposes.</i>	
640	Agency/Institution	Project Amount
641	Christopher Newport	Construct Integrated Science
642	University	Center (Phase II) \$890,000
643	College of William and Mary	Renovate Tucker Hall 563,500
644	Department of Corrections	Construct Charlotte Prison 8,700,000
645	Department of Corrections	Construct 200-Bed Housing Unit,
646		Bland 344,000
647	Department of Juvenile	Correct Erosion, Pamunkey
648	Justice	600,000
649	George Mason University	Renovate Fine Arts Building 434,000
650	George Mason University	Construct Campus Library
651		Addition, Phase I 2,000,000
652	James Madison University	Renovate West Wing,
653		Rockingham Hospital 2,575,000
654	Jamestown-Yorktown	Construct Yorktown Museum
655	Foundation	1,468,000
656	Longwood University	Construct University Technology
657		Center 800,000

658	Norfolk State University	Construct New Nursing and	
659		General Classroom Building	1,816,000
660	Norfolk State University	Renovate Wilder Center	370,000
661	Old Dominion University	Construct a Systems Research and	
662		Academic Building	726,000
663	Radford University	Construct New Computational	
664		Sciences Building	1,449,000
665	Science Museum of Virginia	Construct Belmont Bay Science	
666		Center (Includes Exhibits)	6,000,000
667	University of Mary	Construct Information and	
668	Washington	Technology Convergence	
669		Center I	1,500,000
670	University of Virginia	Renovate New Cabell Hall	3,880,000
671	Virginia Commonwealth	Construct General Classroom	
672	University	Building	1,760,000
673	Virginia Community College	Replace Tyler Academic Building,	
674	System	Northern Virginia Community	
675		College	1,500,000
676	Virginia Community College	Expand Brault Building, Northern	
677	System	Virginia Community College,	
678		Annandale	652,350
679	Virginia Community College	Construct Learning Resources	
680	System	Building, Southside Virginia	458,000
681	Virginia Military	Renovate Science Building	
682	Institute		816,000
683	Virginia State University	Construct Multipurpose	
684		Center	1,464,000
685	Virginia Polytechnic	Renovate Davidson Hall	
686	Institute and State		
687	University		1,506,000
688	Virginia Polytechnic	Construct Chiller Plant	
689	Institute and State		
690	University		480,000
691	Virginia Polytechnic	Construct Human and Agricultural	
692	Institute and State	Biosciences Building I	
693	University Extension		
694	Service		2,040,000
695	Total		\$44,791,850
696	<i>§ 2. The following projects shall be funded for pre-planning from amounts in the Central Capital</i>		
697	<i>Planning Fund established under § 2.2-1520 of the Code of Virginia and the following amounts are</i>		
698	<i>hereby appropriated from the Central Capital Planning Fund for such purposes.</i>		
699	Agency/Institution	Project	Amount
700	Christopher Newport	Construct Luter School of	
701	University	Business	\$250,000
702	College of William and Mary	Construct Integrated Science	
703		Center, Phase III	250,000
704	James Madison University	Renovate/Expand Duke Hall	250,000
705	Department of Mental Health,	Southeastern Virginia Training	
706	Mental Retardation and	Center Construct Community	
707	Substance Abuse Services	Housing	233,000
708	Department of Mental Health,	Central Virginia Training	
709	Mental Retardation and	Center Construct Community	
710	Substance Abuse Services	Housing	250,000
711	University of Virginia	Renovate Ruffner Hall	250,000
712	Virginia Polytechnic	Construct Engineering Signature	
713	Institute and State	Building	
714	University		250,000

715 *Total* \$1,733,000

716 4. That \$50,000,000 is hereby appropriated from the general fund to the Central Capital Planning

717 Fund established under § 2.2-1520 of the Code of Virginia.

718 5. That under the project for Andy Guest State Park listed in § 1 of the second enactment, the

719 Department of Conservation and Recreation (DCR) shall have the authority as a pilot project to

720 construct and equip six additional cabins and associated site improvements at Andy Guest State

721 Park using the existing competitive negotiation process with the following modifications to select

722 the successful bidder: (i) DCR, through an open request for proposals process, may select and

723 negotiate with potential contractors and select from among the applicants the best contractor

724 based on the agency's criteria, including, but not limited to, cost effectiveness and expertise; (ii)

725 DCR is exempt from the current \$250,000 project limit for competitive negotiation; and (iii) DCR

726 shall report to the Chairmen of the House Appropriations and Senate Finance Committees the

727 status of the competitive negotiations prior to the acceptance of the contract.

728 Funding for this project includes \$400,000 to equip the Visitor Center at Andy Guest State Park.

729 The Department of Conservation and Recreation shall also complete a "value engineering" study

730 for the approved prototype cabins to determine if adjustments are warranted in future cabin

731 construction projects and shall report its findings on the study and this pilot project to the House

732 Appropriations and Senate Finance Committees within 90 days of completing the project.

733 The unexpended funds remaining at the completion of the project shall be transferred by the

734 Director of the Department of Planning and Budget for use in park construction projects included

735 in the six-year capital outlay plan described under § 2.2-1518 of the Code of Virginia.

736 6. That the General Assembly hereby approves the proposal for establishing a new School of

737 Medicine and Research Institute to be created by Virginia Polytechnic Institute and State

738 University (Virginia Tech), in partnership with the Carilion Clinic (Carilion), in downtown

739 Roanoke, Virginia. Virginia Tech is hereby granted approval, pursuant to the Public-Private

740 Educational Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) of the Code of Virginia

741 (PPEA), to enter into an interim and/or comprehensive agreement with a private entity for the

742 design and construction of the School of Medicine and Research Institute. In order to accelerate

743 development of the project and pursuant to a Memorandum of Understanding (MOU) between

744 Virginia Tech and Carilion, the General Assembly hereby finds that this enactment is sufficient to

745 satisfy the review requirements of Chapter 42 (§ 30-278 et seq.) of Title 30 of the Code of Virginia.

746 Virginia Tech may proceed with evaluation of any PPEA proposal it receives pursuant to

747 guidelines adopted by its Board of Visitors. If any such MOU contemplates the lease of property

748 in the possession or control of Virginia Tech to the School of Medicine, this enactment shall

749 constitute the General Assembly's approval required by subsection B of § 2.2-1155 of the Code of

750 Virginia for the term of such lease to be in excess of 50 years, up to and including the useful life

751 of the improvements to such property, provided that the Governor also approves such a term.

752 7. That for the project "Blanket Property Acquisition Project" in § 2 of the second enactment the

753 Department of General Services shall have the authority to acquire real property in the Richmond

754 Metropolitan Service Area subject to the provisions of this enactment. Before the acquisition of

755 such real property, the Department, with the approval of the Governor, shall prepare an

756 acquisition plan and provide a copy of the plan to the Chairmen of the Senate Finance Committee

757 and House Appropriations Committee. The plan shall be deemed exempt from disclosure under

758 the provisions of subdivision 12 of § 2.2-3705.1 of the Code of Virginia. Trade secrets or

759 proprietary information submitted by a bidder, offeror, or contractor in connection with such a

760 plan or transaction shall be exempt from disclosure pursuant to subsection F of § 2.2-4342 of the

761 Code of Virginia.

762 Within 30 days of receipt of an acquisition plan, the Senate Finance Committee and House

763 Appropriations Committee shall each determine whether to request additional information,

764 recommend changes to the acquisition plan, or accept the acquisition plan, and notify the

765 Department of their decision. The Department shall provide additional information on the details

766 of an acquisition plan as requested by either Committee. If the Committees accept an acquisition

767 plan, or do not request additional information or recommend changes within the 30-day period,

768 the acquisition plan shall be deemed approved and may be executed by the Department pursuant

769 to § 2.2-1149 of the Code of Virginia.

770 The Director of the Department of Planning and Budget shall have the authority to fund

771 acquisition projects approved by the Committees, with such funding being consistent with the

772 terms of the acquisition plan.

773 The total amount that may be obligated under this enactment shall not exceed \$70,000,000.

774 On and after July 1, 2009, the Department of General Services shall not enter into any agreement

775 to acquire real property using the powers granted under this enactment.

776 8. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes
777 the Virginia College Building Authority to issue revenue bonds in a principal amount not to
778 exceed \$59 million plus amounts needed to fund issuance costs, reserve funds, original issue
779 discount, interest prior to and during construction and for one year after completion thereof, and
780 other financing expenses, for the construction of a medical education and research facility at
781 Eastern Virginia Medical School (EVMS). The Authority shall be authorized to exercise any and
782 all powers granted to it by law in connection with such project. The General Assembly hereby
783 appropriates the proceeds from any such bonds for the construction of a medical education and
784 research facility at EVMS.

785 Upon the effective date of this act, the Director of the Department of Planning and Budget may
786 distribute sufficient funds to EVMS for project planning, including detailed planning. The
787 distribution of funds by the Director for construction is contingent upon the following conditions:

788 a. A bill is introduced for a Special Session of the General Assembly held prior to the 2009
789 Regular Session of the General Assembly or for the 2009 Regular Session of the General Assembly
790 that provides for the following: an amendment to enabling legislation of EVMS that changes the
791 appointments of the 17 members of the Board of Visitors of EVMS such that three members are
792 to be appointed by the Speaker of the House of Delegates, two members are to be appointed by
793 the Senate Committee on Rules, two members are to be appointed by the Governor, six members
794 shall continue to be appointed by the Board of the Eastern Virginia Medical School Foundation,
795 and four members shall continue to be appointed by local governments;

796 b. The Board of Visitors of EVMS enters into a memorandum of understanding with the
797 Commonwealth in which the Board promises to increase the current medical school class size; and

798 c. A determination by the Secretary of Finance that the Board of Visitors of EVMS has
799 cooperated in a review of EVMS by the State Council of Higher Education for Virginia as such
800 review may be provided for in the general appropriation act.

801 9. That the Department of Mental Health, Mental Retardation and Substance Abuse Services, in
802 consultation with the Department of General Services, is hereby authorized to acquire by
803 purchase, gift, or land exchange such land as may be necessary for the capital project to "Replace
804 Western State Hospital" as set forth under § 1 of the second enactment. The proceeds from any
805 such sale or land exchange to facilitate the replacement of Western State Hospital may be applied
806 first to any capital costs relating to the replacement of Western State Hospital, and secondly as
807 provided under law for the disposition of state property.

808 10. That the Director of the Department of Planning and Budget is hereby authorized to
809 supplement the funding for any project listed in this act from nongeneral fund sources other than
810 debt, as necessary to meet the intended scope of the project. The Director shall report any such
811 supplemental funding to the Chairmen of the House Appropriations Committee and the Senate
812 Finance Committee.

813 11. That, subject to the provisions of this enactment, the Virginia College Building Authority
814 (VCBA) is authorized to issue additional revenue bonds in an aggregate principal amount not to
815 exceed \$100,000,000, plus amounts needed to fund issuance costs and other financing expenses, to
816 finance any needed nongeneral fund portion of the cost of capital projects listed in § 3 or § 4 of
817 the second enactment of this act; provided that all debt service and related costs of the bonds are
818 paid by the applicable educational institution from its nongeneral fund revenues. Such revenue
819 bonds shall be secured by the applicable educational institution from one or more of the revenue
820 sources cited in subdivisions (d) (1) through (d) (4) of § 23-19 of the Code of Virginia, except for
821 the general funds of the institution. The Director of the Department of Planning and Budget is
822 authorized to determine the amount of bonds to be issued, if any, to meet the intended scope of
823 the projects, and the Virginia College Building Authority shall not issue any bonds under this
824 enactment without being directed to do so by the Director of the Department of Planning and
825 Budget. The Director of the Department of Planning and Budget shall report to the State
826 Treasurer and the Chairmen of the House Appropriations Committee and the Senate Finance
827 Committee any time he directs that bonds be issued under this enactment.

828 In lieu of revenue bonds being issued by the VCBA and conditioned upon an allocation of bonds
829 for the nongeneral fund portion of the cost of a capital project as determined by the Director of
830 the Department of Planning and Budget, a public institution of higher education is hereby
831 authorized to issue its own bonds to finance any needed nongeneral fund portion of the cost of a
832 capital project listed in § 3 or § 4 of the second enactment of this act in a principal amount not to
833 exceed such allocation for the capital project as determined by the Director; provided that all debt
834 service and related costs of the bonds are paid by the applicable educational institution from its
835 nongeneral fund revenues. Such bonds shall be secured by the applicable educational institution
836 from one or more of the revenue sources cited in subdivisions (d) (1) through (d) (4) of § 23-19 of
837 the Code of Virginia, except for the general funds of the institution.

In no case pursuant to the provisions of this enactment shall the total principal amount of bonds issued by the VCBA plus any bonds issued by a public institution of higher education exceed an aggregate principal amount of \$100 million. The Director of the Department of Planning and Budget shall allocate the \$100 million in bonded authority to the capital projects listed in § 3 or § 4 of the second enactment of this act.

The General Assembly hereby appropriates the proceeds from any such bonds described under this enactment to finance any needed nongeneral fund portion of the cost of capital projects listed in § 3 or § 4 of the second enactment of this act as determined by the Director of the Department of Planning and Budget.

12. That, notwithstanding any special or general law to the contrary, no proceeds shall be distributed for the construction and renovation project at the Virginia School for the Deaf and the Blind in the City of Staunton, and no costs shall be incurred for this project until the Board of Education takes substantial action to permanently terminate all state-operated programs at the Virginia School for the Deaf, the Blind, and the Multi-disabled in the City of Hampton, including all state-operated or state funded residential and day program services delivered for deaf, blind, and multi-disabled students.

Property at the Virginia School for the Deaf, the Blind, and the Multi-disabled in the City of Hampton shall become surplus property as of July 1, 2009. Nothing in this enactment shall prohibit the transfer or sale of such property to a nonstate entity that may provide services to the deaf, blind, or multi-disabled, or to an entity that seeks to preserve the history of the school.

13. That for the project entitled "Repair/Replace Southeastern Virginia Training Center" in § 2 of the second enactment, the Director of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall submit to the Chairmen of the House Appropriations Committee and the Senate Finance Committee and the Director of the Department of General Services the plans associated with such project, which shall include a cost benefit analysis of renovating existing cottages versus demolishing existing cottages and building new housing. Within 30 days of receipt of such plans, the Senate Finance Committee and House Appropriations Committee shall make a recommendation as to whether the project would better proceed as a new construction project or a renovation project.

The Senate Finance Committee and House Appropriations Committee shall each determine whether to request additional information, recommend changes to the plans, or accept the plans, and notify the Department of Mental Health, Mental Retardation and Substance Abuse Services of their determination. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide additional information on the details of such plans as requested by either Committee. However, prior to awarding a contract for construction of such project, both Committees must have accepted the same plans, either as initially submitted or modified. The Director of the Department of Planning and Budget shall have the authority to fund only such plans accepted by both Committees.

14. That Virginia Commonwealth University is authorized to enter into a contract with the University of Virginia for project management on the construction of the Virginia Commonwealth University Dental Clinic (Dental Clinic) authorized for construction in Wise County in § 4 of the second enactment. The University of Virginia shall cooperate with Virginia Commonwealth University for such purposes. Virginia Commonwealth University is authorized to contract with the University of Virginia College at Wise or other entities for the maintenance of the Dental Clinic, and the University of Virginia College at Wise shall cooperate with Virginia Commonwealth University for such purposes.

15. That the provisions of paragraph F in Item 391 of House Bill No. 30, as such bill was enrolled on April 4, 2008, shall apply to the project entitled "Construct Charlotte Prison" listed in § 1 of the third enactment.

16. That for the project "Replace Roofs Umbrella Project" listed in § 2 of the second enactment, the Department of Corrections shall ensure that the integrity of structural components of roof systems are sound before replacing any roofs. Furthermore, any roof replacement shall have a manufacturer's warranty of at least 20 years.

17. That issuance of bonds for the project entitled "Improve Wallops Flight Facilities" listed in § 2 of the second enactment shall be conditioned upon the execution of a Memorandum of Understanding acceptable to the Governor, and a copy of the memorandum being provided to the Chairmen of the House Appropriations Committee and the Senate Finance Committee.

18. That the Department of General Services is hereby directed to solicit for proposals under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) of Title 56 of the Code of Virginia, or under other authority available to the Department after consultation with the Public-Private Partnership Advisory Commission established pursuant to Chapter 42 (§ 30-278

899 et seq.) of Title 30 of the Code of Virginia, for the development of an office facility to replace the
900 8th Street Office Building and renovate the 9th Street Office Building. In soliciting such proposals,
901 the Department shall specify the Commonwealth's anticipated requirements for leased space in the
902 facility, and shall seek to maximize opportunities to leverage private sector financial participation
903 and risk sharing in the project, including, but not limited to, use and sale of historic rehabilitation
904 tax credits, commercial components, and other revenue-generating activities that would reduce the
905 state's cost to lease or own all or a portion of such facility. The Department shall solicit such
906 proposals no later than September 1, 2008, and shall have completed sufficient review of such
907 proposals to report on its findings and recommendations to the 2009 General Assembly.

908 19. That nothing in this act shall be construed or interpreted as limiting any authority granted
909 under Chapter 4.10 (§ 23-38.88 et seq.) of Title 23 of the Code of Virginia, or under any
910 management agreement executed pursuant to the provisions of such chapter, provided that, for
911 any capital outlay project of a public institution of higher education included in the capital outlay
912 plan described in § 2.2-1518 of the Code of Virginia (that is enacted into law) for which the
913 general fund supported resources for the project will exceed 100 percent of the general
914 fund-supported resources allocated for that project pursuant to law, such capital outlay project
915 shall be subject to the provisions of subsection E of § 2.2-1519 of the Code of Virginia. For
916 purposes of this enactment, the term "capital outlay project" means the same as such term is
917 defined § 2.2-1515 of the Code of Virginia.

918 20. That § 2.2-1503.2 of the Code of Virginia is repealed.

919 21. That an emergency exists and this act is in force from its passage.