

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-1516, 2.2-1517, and 2.2-1518 of the Code of Virginia, relating to*
 3 *the Six-Year Capital Outlay Plan.*

4 [S 1428]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 2.2-1516, 2.2-1517, and 2.2-1518 of the Code of Virginia are amended and reenacted as**
 8 **follows:**

9 § 2.2-1516. Six-Year Capital Outlay Plan Advisory Committee.

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

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

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

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

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

24 c. Projects to renovate or maintain existing facilities;

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

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

28 f. Projects that improve energy efficiency;

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

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

31 i. Projects previously planned.

32 3. The list shall:

33 a. Identify each capital outlay project;

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

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

36 C. Beginning in ~~2009~~ 2011, on or before ~~October~~ November 1 of each year, the Advisory Committee
 37 shall make recommendations to the Governor and the Chairmen of the House Appropriations and the
 38 Senate Finance Committees of any changes to the current six-year capital outlay plan (described in
 39 § 2.2-1518) and of project funding, including adjusting the fiscal years covered by the plan so that the
 40 plan will cover the six fiscal years beginning July 1 of the following year.

41 § 2.2-1517. Agency submission of information.

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

49 B. On or before January 30 each year, the Director of the Department of General Services, on
 50 behalf of the Advisory Committee, shall advise state agencies and public educational institutions of the
 51 content, format, and method established by the Advisory Committee for submitting the information
 52 described in subsection A.

53 C. State agencies and public educational institutions shall submit the information, in the manner
 54 prescribed by the Director of the Department of General Services on behalf of the Advisory Committee
 55 pursuant to subsection B, to the Department of General Services and the Department of Planning and
 56 Budget on or before March 30 each year. In addition, public educational institutions shall submit the

57 information to the State Council of Higher Education.

58 *D. The Department of Planning and Budget, the Department of General Services, and the staff of the*
59 *State Council of Higher Education shall review the information submitted and shall submit the*
60 *information and the results of their review, in the manner prescribed by the Advisory Committee, to the*
61 *Advisory Committee on or before June 30 each year.*

62 *E. On the same day that the Governor presents his preliminary report pursuant to § 2.2-813, the*
63 *Advisory Committee shall meet at a time and place specified by the Secretary of Finance to consider the*
64 *information provided pursuant to subsection D, as well as a capital outlay project status report, to be*
65 *prepared by the Director of the Department of General Services, on all active projects that have*
66 *received any funding, including completed planning estimates, project bids, and project timelines. The*
67 *Advisory Committee shall submit its evaluations and recommendations regarding capital outlay projects*
68 *to the Governor and the General Assembly on or before November 1 each year.*

69 § 2.2-1518. Governor to submit a tentative bill for a capital outlay plan; gubernatorial amendments
70 proposed to the plan.

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

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

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

88 B. In ~~2010~~ 2011, and each year thereafter, the Governor shall, by ~~no later than the day that~~
89 ~~immediately precedes the first day of the regular session of the applicable General Assembly on or~~
90 ~~before December 20~~, submit to the General Assembly a tentative bill proposing amendments to the
91 current capital outlay plan enacted into law, including adjusting the fiscal years covered by the plan so
92 that the plan will cover the six fiscal years beginning on the immediately following July 1. Any such
93 tentative bill shall be submitted using the format described in subsection A.

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