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HOUSE BILL NO. 2097

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact §§ 2.2-1501, 2.2-1509, 2.2-1511, and 2.2-2101 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 26 of Subtitle I of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2681 through 2.2-2688 and by adding in Subtitle I of Title 2.2 a chapter numbered 55.1, consisting of sections numbered 2.2-5510 and 2.2-5511, and to repeal the second enactment of Chapter 424 of the Acts of the Assembly of 2000, relating to the administration of government; long-term planning; Roadmap for Virginia's Future.

Patrons—McQuigg, Albo, Athey, Barlow, Baskerville, Black, Bloxom, Broman, Bryant, Byron, Callahan, Carrico, Cline, Cole, Cosgrove, Cox, Devolites, Dillard, Drake, Dudley, Gear, Griffith, Hall, Hargrove, Howell, Hugo, Hurt, Landes, Lingamfelter, Louderback, Marshall, D.W., Marshall, R.G., McDougle, Miles, Moran, Nixon, Nutter, O'Bannon, Oder, Parrish, Petersen, Plum, Rapp, Reese, Reid, Rollison, Saxman, Scott, Sears, Suit, Watts, Weatherholtz, Welch and Wright; Senators: Bolling, Colgan, Hanger, Hawkins, Houck, Howell, Lucas, Miller, K.G., O'Brien, Potts, Puckett, Puller, Saslaw, Stosch, Trumbo, Wagner, Whipple and Williams

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1501, 2.2-1509, 2.2-1511 and 2.2-2101 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding in Chapter 26 of Subtitle I of Title 2.2 an article numbered 28, consisting of sections numbered 2.2-2681 through 2.2-2687 and by adding in Subtitle I of Title 2.2 a chapter numbered 55.1, consisting of sections numbered 2.2-5510 and 2.2-5511, as follows:

§ 2.2-1501. Duties of Department.

The Department shall have the following duties:

1. Development and direction of an integrated policy analysis, planning, and budgeting process within state government.

2. Review and approval of all sub-state district systems boundaries established or proposed for establishment by state agencies.

3. Formulation of an executive budget as required in this chapter. In implementing this provision, the Department shall utilize the resources and determine the manner of participation of any executive agency as the Governor may determine necessary to support an efficient and effective budget process notwithstanding any contrary provision of law. The budget shall include reports, or summaries thereof, provided by agencies of the Commonwealth pursuant to subsection E of § 2.2-603.

4. Conduct of policy analysis and program evaluation for the Governor.

5. Continuous review of the activities of state government focusing on budget requirements in the context of the goals and objectives determined by the Governor and the General Assembly and monitoring the progress of agencies in achieving goals and objectives.

6. Operation of a system of budgetary execution to ensure that agency activities are conducted within fund limitations provided in the appropriation act and in accordance with gubernatorial and legislative intent. The Department shall make an appropriate reduction in the appropriation and maximum employment level of any state agency or institution in the executive branch of government that reports involuntary separations from employment with the Commonwealth due to budget reductions, agency reorganizations, or workforce down-sizings, or voluntary separations from employment with the Commonwealth as provided in the second and third enactments of the act of the General Assembly creating the Workforce Transition Act of 1995 (§ 2.2-3200.). In the event an agency reduces its workforce through privatization of certain functions, the funds associated with such functions shall remain with the agency to the extent of the savings resulting from the privatization of such functions.

7. Development and operation of a system of standardized reports of program and financial performance for management.

8. Coordination of statistical data by reviewing, analyzing, monitoring, and evaluating statistical data developed and used by state agencies and by receiving statistical data from outside sources, such as research institutes and the federal government.

9. Assessment of the impact of federal funds on state government by reviewing, analyzing, monitoring, and evaluating the federal budget, as well as solicitations, applications, and awards for federal financial aid programs on behalf of state agencies.

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53 10. Review and verify the accuracy of agency estimates of receipts from donations, gifts or other
54 nongeneral fund revenue.

55 11. Development, coordination and implementation of a performance management system involving
56 strategic planning, performance measurement, evaluation, and performance budgeting within state
57 government. The Department shall ensure that information generated from these processes is useful for
58 managing and improving the efficiency and effectiveness of state government operations, and is
59 available to citizens and public officials. ~~The Department shall submit annually on or before the second~~
60 ~~Tuesday in January to the Chairman of the House Appropriations Committee and the Chairman of the~~
61 ~~Senate Finance Committee a report that sets forth state agencies' strategic planning information and~~
62 ~~performance measurement results pursuant to this subdivision for the immediately preceding fiscal year.~~

63 12. Development, implementation and management of an Internet-based information technology
64 system to ensure that citizens have access to performance information.

65 13. Development, implementation and management of an Internet-based information technology
66 system to ensure that citizens have access to meeting minutes and information pertaining to the
67 development of regulatory policies.

68 § 2.2-1509. Budget bill.

69 A. On or before December 20 of the year immediately prior to the beginning of each regular session
70 of the General Assembly held in an even-numbered year, the Governor also shall submit to the presiding
71 officer of each house of the General Assembly, at the same time he submits "The Executive Budget,"
72 copies of a tentative bill for all proposed appropriations of the budget, for each year in the ensuing
73 biennial appropriation period, which shall be known as "The Budget Bill." "The Budget Bill" shall be
74 organized by function, primary agency, and proposed appropriation item and shall include (i) an
75 identification of, and authorization for, common programs ~~and~~ ; (ii) the appropriation of funds according
76 to programs; *and (iii) strategic plan information and performance-measurement results developed by*
77 *each agency pursuant to Chapter 55.1 (§ 2.2-5510 et seq.) of this title.* Except as expressly provided in
78 an appropriation act, whenever the amounts in a schedule for a single appropriation item are shown in
79 two or more lines, the portions of the total amount shown on separate lines are for information purposes
80 only and are not limiting. No such bill shall contain any appropriation the expenditure of which is
81 contingent upon the receipt of revenues in excess of funds unconditionally appropriated.

82 B. The salary proposed for payment for the position of each cabinet secretary and administrative
83 head of each agency and institution of the executive branch of state government shall be specified in
84 "The Budget Bill," showing the salary ranges and levels proposed for such positions.

85 C. "The Budget Bill" shall include all proposed capital appropriations, including each capital project
86 to be financed through revenue bonds or other debt issuance, the amount of each project, and the
87 identity of the entity that will issue the debt.

88 D. Concurrently with the submission of "The Budget Bill," the Governor shall submit a tentative bill
89 involving a request for authorization of additional bonded indebtedness if its issuance is authorized by,
90 or its repayment is proposed to be made in whole or in part, from revenues or appropriations contained
91 in "The Budget Bill."

92 E. On or before December 20 of the year immediately prior to the beginning of each regular session
93 held in an odd-numbered year of the General Assembly, the Governor shall submit to the presiding
94 officer of each house printed copies of all gubernatorial amendments proposed to the general
95 appropriation act adopted in the immediately preceding even-numbered year session. In preparing the
96 amendments, the Governor may obtain estimates in the manner prescribed in §§ 2.2-1504, 2.2-1505, and
97 2.2-1506. On the same date he shall also submit a tentative bill during the second year of the
98 appropriation period, a request for authorization of additional bonded indebtedness if its issuance is
99 authorized by, or its repayment is proposed to be made in whole or in part, from revenues or
100 appropriations contained in the proposed gubernatorial amendments.

101 F. The proposed capital appropriations or capital projects described in, or for which proposed
102 appropriations are made pursuant to, this section shall include the capital outlay projects required to be
103 included in "The Budget Bill" pursuant to § 2.2-1509.1. The Governor shall propose appropriations for
104 such capital outlay projects in "The Budget Bill" in accordance with the minimum amount of funding
105 and the designated sources of funding for such projects as required under § 2.2-1509.1.

106 § 2.2-1511. Consideration of budget by committees.

107 The standing committees of the House of Delegates and of the Senate in charge of appropriation
108 measures shall begin consideration of the budget within five calendar days after the convening of the
109 regular session of the General Assembly to which the budget is submitted. The committees or
110 subcommittees thereof, may meet jointly on matters concerning the budget at such times as the chairmen
111 of the two committees deem appropriate. The committees or subcommittees may cause the attendance of
112 heads or responsible representatives of the departments, institutions and all other agencies of the
113 Commonwealth to furnish such information and answer such questions as they require. *The committees*
114 *shall consider strategic plan information and performance-measurement results developed by each*

115 agency pursuant to Chapter 55.1 (§ 2.2-5510 et seq.) of this title and submitted by the Governor
116 pursuant to § 2.2-1509. All persons interested in the matters under consideration shall be admitted to the
117 meetings and shall have the right to be heard.

118 § 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the
119 executive branch; exceptions.

120 Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils
121 within the executive branch of state government who are responsible for administering programs
122 established by the General Assembly. Such prohibition shall not extend to boards, commissions, and
123 councils engaged solely in policy studies or commemorative activities. If any law directs the
124 appointment of any member of the General Assembly to a board, commission, or council in the
125 executive branch of state government that is responsible for administering programs established by the
126 General Assembly, such portion of such law shall be void, and the Governor shall appoint another
127 person from the Commonwealth at large to fill such a position. The provisions of this section shall not
128 apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901;
129 to members of the Board on Veterans' Affairs, who shall be appointed as provided for in § 2.2-2421; to
130 members of the Council on Indians, who shall be appointed as provided for in § 2.2-2628; to members
131 of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as
132 provided for in § 23-231.3; to members of the Maternal and Child Health Council, who shall be
133 appointed as provided for in § 2.2-2642; to members of the Virginia Interagency Coordinating Council
134 who shall be appointed as provided for in § 2.2-5204; to members of the Advisory Council on the
135 Virginia Business-Education Partnership Program, who shall be appointed as provided in § 2.2-2600; to
136 members of the Virginia Correctional Enterprises Advisory Board, who shall be appointed as provided
137 for in § 53.1-45.3; to members appointed to the Virginia Veterans Cemetery Board pursuant to
138 § 2.2-2438; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority
139 pursuant to § 23-231.15; to members of the Commonwealth Competition Commission, who shall be
140 appointed as provided for in § 2.2-2621; to members of the Virginia Geographic Information Network
141 Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Advisory
142 Commission on the Virginia Schools for the Deaf and the Blind, who shall be appointed as provided for
143 in § 22.1-346.1; to members of the Substance Abuse Services Council, who shall be appointed as
144 provided for in § 37.1-207; to members of the Criminal Justice Services Board, who shall be appointed
145 as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as
146 provided in § 2.2-2681; or to members of the Virginia Workforce Council, who shall be appointed as
147 provided for in § 2.2-2669.

148 Article 28.

149 Council on Virginia's Future.

150 § 2.2-2681. Definitions.

151 As used in this article:

152 "Long-term objective" means a measurable standard of desired performance achievement extending
153 at least 5 years into the future.

154 "Roadmap" or "Roadmap for Virginia's Future" means a planning process that includes the
155 following sequential steps: (i) developing a set of guiding principles that are reflective of public
156 sentiment and relevant to critical decision-making, (ii) establishing a long-term vision for the
157 Commonwealth, (iii) conducting a situation analyses of core state service categories, (iv) setting
158 long-term objectives for state services, (v) aligning state services to the long-term objectives, (vi)
159 instituting a planning and performance management system consisting of strategic planning,
160 performance measurement, program evaluation, and performance budgeting, and (vii) performing plan
161 adjustments based on public input and evaluation of the results of the Roadmap.

162 "Situational analyses" means the assessment of state agency performance in core service areas.

163 "Strategic planning" means the systematic clarification and documentation of what a state agency
164 wishes to achieve and how to achieve it. The objective of strategic planning is a set of goals, action
165 steps, and measurements constructed to guide performance.

166 "Strategic performance and productivity measures" means the use of data to review the current
167 performance, improvement in productivity, and progress against the long-term objectives.

168 "Performance budgeting" means a systematic incorporation of planning, strategic performance and
169 productivity measurement, and program evaluation information into the budgetary process.

170 "Performance management" means a management system consisting of strategic planning, strategic
171 performance and productivity measurement, program evaluation, and performance budgeting.

172 "Program evaluation" means an evaluation of the progress made towards the achievement of
173 long-term objectives, current initiatives, and increased productivity.

174 "Vision" means an aspirational expression of a future condition for the Commonwealth that is both
175 essential and desirable and extends at least 10 years into the future.

176 § 2.2-2682. *Council on Virginia's Future; purpose.*

177 *The Council on Virginia's Future (the "Council") is established as an advisory council, within the*
178 *meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council is to*
179 *advise the Governor and the General Assembly on the implementation of the Roadmap for Virginia's*
180 *Future process.*

181 § 2.2-2683. *Membership; terms; chairman and vice-chairman; quorum; meetings.*

182 *The Council shall be composed of 15 members that includes 10 legislative members and 5*
183 *nonlegislative members. The members shall be appointed as follows:*

184 1. *Three members of the House of Delegates, of which at least 1 shall be a member of the minority*
185 *caucus, to be appointed by the Speaker of the House;*

186 2. *The Chairman of the House Committee on Appropriations;*

187 3. *One citizen appointed by the Speaker of the House;*

188 4. *Three members of the Senate, of which at least 1 shall be a member of the minority caucus, to be*
189 *appointed by the Senate Committee on Privileges and Elections;*

190 5. *The Chairman of the Senate Finance Committee;*

191 6. *One citizen member appointed by the Senate Committee on Privileges and Elections;*

192 7. *Two Cabinet Secretaries appointed by the Governor; and*

193 8. *Three citizen members appointed by the Governor.*

194 B. *Legislative members and the two Cabinet Secretaries appointed by the Governor shall serve terms*
195 *coincident with their terms of office. In addition, the Chairman of the House Committee on*
196 *Appropriations and the Chairman of the Senate Finance Committee shall serve as long as they retain*
197 *their respective chairmanships. The Initial appointments of nonlegislative citizen members shall be*
198 *staggered as follows: the member appointed by the Speaker of the House of Delegates shall be for a*
199 *term of 3 years; the member appointed by the Senate Committee on Privileges and Elections shall be for*
200 *a term of 2 years; 1 member appointed by the Governor for a term of 1 year; and 2 members appointed*
201 *by the Governor for a term of 2 years. Thereafter, nonlegislative citizen members appointed by the*
202 *Speaker of the House of Delegates or the Senate Committee on Privileges and Elections shall be*
203 *appointed for a term of 2 years, and nonlegislative citizen members appointed by the Governor shall be*
204 *appointed for a term of 4 years. Appointments to fill vacancies, other than by expiration of a term, shall*
205 *be for the unexpired terms. All members may be reappointed. However, no House member shall serve*
206 *more than 4 consecutive 2-year terms, no Senate member shall serve more than 2 consecutive 4-year*
207 *terms, no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the*
208 *Senate Committee on Privileges and Elections shall serve more than 4 consecutive 2-year terms, and no*
209 *nonlegislative citizen member appointed by the Governor shall serve more than 2 consecutive 4-year*
210 *terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute*
211 *a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same*
212 *manner as the original appointments.*

213 *The Governor shall appoint the chairman of the Council from the citizen members. The Council shall*
214 *elect a vice-chairman from its membership. A majority of members of the Council shall constitute a*
215 *quorum. The Council shall meet at least four times each year. The meetings of the Council shall be held*
216 *at the call of the chairman or whenever a majority of voting members so request.*

217 § 2.2-2684. *Compensation; expenses.*

218 *Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and*
219 *nonlegislative citizen members shall receive such compensation for the performance of their duties as*
220 *provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses*
221 *incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

222 § 2.2-2685. *Duties of the Council.*

223 A. *The Council shall have the following duties:*

224 1. *Determine a timetable for phasing in and establishing guiding principles for the Roadmap;*

225 2. *Complete situational analyses on all core service areas of state government;*

226 3. *Establish long-term objectives for the Commonwealth and monitor and advise the Governor and*
227 *the General Assembly regarding the progress toward the objectives;*

228 4. *Monitor implementation of the performance-management system across state government;*

229 5. *Disseminate information to the public on the Commonwealth's performance-management system;*

230 6. *Develop a systematic process for the periodic evaluation of the Roadmap and adherence to the*
231 *long-term goals and recommend improvements to the Governor and the General Assembly. The periodic*
232 *evaluation process shall provide for enhanced opportunities for public participation and input;*

233 7. *Beginning November 1, 2004, develop and submit annually to the General Assembly and the*
234 *Governor and publish to the public a balanced accountability scorecard containing an assessment of (i)*
235 *current service performance, (ii) productivity improvement, and (iii) progress against long-term*
236 *objectives. The balanced scorecard shall also contain other evaluative recommendations that will*
237 *enhance the provision of state services and suggested measures to evaluate progress against long-term*

238 objectives; and

239 8. Establish a training program on the state's performance budgeting process for state legislators,
240 officials, and employees.

241 B. By January 1, 2004, the Council shall recommend legislation defining the vision, long-term
242 objectives, and appropriate performance measures for state government.

243 § 2.2-2686. Advisory committees.

244 The Council may form such advisory committees as it deems necessary, convenient, or desirable to
245 advise and assist in performing the duties conferred by this article. The disclosure requirements of
246 subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to
247 members of the advisory committees.

248 § 2.2-2687. Staff; cooperation and assistance.

249 The Department of Planning and Budget shall provide staff assistance to the Council. Additional
250 assistance as needed shall be provided by the Joint Legislative Audit and Review Commission and the
251 staffs of the House Committee on Appropriations and the Senate Finance Committee. All agencies,
252 authorities, and institutions of the Commonwealth shall cooperate and provide such assistance to the
253 Commission as the Commission may request.

254 § 2.2-2688. Chairman's executive summary of activity and work of the Council.

255 The chairman shall submit to the Governor and the General Assembly an annual executive summary
256 of the interim activity and work of the Council no later than the first day of each regular session of the
257 General Assembly. The executive summary shall be submitted as provided in the procedures of the
258 Division of Legislative Automated Systems for the processing of legislative documents and reports and
259 shall be posted on the General Assembly's website.

260 CHAPTER 55.1.

261 GOVERNMENT PERFORMANCE AND RESULTS ACT.

262 § 2.2-5510. Strategic plan.

263 A. Each agency shall develop and maintain a strategic plan for its operations. The plan shall
264 include:

265 1. A statement of the mission, goals, strategies, and performance measures of the agency that are
266 linked into the performance management system directed by long-term objectives;

267 2. Identification of priority and other service populations under current law and how those
268 populations are expected to change within the time period of the plan; and

269 3. An analysis of any likely or expected changes in the services provided by the agency. B. Strategic
270 plans shall also include the following information:

271 1. Input, output, and outcome measures for the agency;

272 2. A description of the use of current agency resources in meeting current needs and expected future
273 needs, and additional resources that may be necessary to meet future needs; and

274 3. A description of the activities of the agency that have received either a lesser priority or have
275 been eliminated from the agency's mission or work plan over the previous year because of changing
276 needs, conditions, focus, or mission.

277 C. The strategic plan shall cover a period of at least 2 years forward from the fiscal year in which it
278 is submitted and shall be reviewed by the agency annually.

279 D. Each agency shall post its strategic plan on the Internet.

280 § 2.2-5511. Review of strategic plan information.

281 Each agency shall submit annually by September 1 its strategic plan including goals, strategies, and
282 performance measures for consideration and review by the Council on Virginia's Future. After review,
283 the Council may submit comments to the Governor regarding any concerns about the strategic plan or
284 recommendations to improve the plan.

285 2. That the second enactment of Chapter 424 of the Acts of the Assembly of 2000 is repealed.