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## SENATE BILL NO. 1428

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance  
on February 2, 2011)

(Patron Prior to Substitute—Senator Marsh)

A BILL to amend and reenact §§ 2.2-1516, 2.2-1517, and 2.2-1518 of the Code of Virginia, relating to the Six-Year Capital Outlay Plan.

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

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

§ 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 20092011, on or before ~~October~~ November 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.

A. 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 as determined 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.

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

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

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

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

72 § 2.2-1518. Governor to submit a tentative bill for a capital outlay plan; gubernatorial amendments  
73 proposed to the plan.

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

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

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

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

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