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HOUSE BILL NO. 715

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance and Appropriations
on February 21, 2024)

(Patron Prior to Substitute—Delegate Torian)

A BILL to amend and reenact §§ 2.2-1516, 2.2-1517, and 2.2-1518 of the Code of Virginia, relating to six-year capital outlay plan and funding.

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 Committee on Appropriations and the Senate Committee on Finance and Appropriations.

B. 1. On or before November 1, ~~2008~~ *of each year*, the Advisory Committee shall ~~submit~~ *communicate* to the Governor and the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations 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~~ *of the following year*.

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 2011, on or before November 1 of each year, the Advisory Committee shall make recommendations to the Governor and the Chairman of the House Committee on Appropriations and the Chairman of the Senate Committee on Finance and Appropriations 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 and institution 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 information as determined 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~~ *Annually*, the Director of the Department of ~~General Services~~ *Planning and Budget*, 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~~ *Planning and Budget* on behalf of the Advisory Committee pursuant to subsection B; ~~to the Department of General Services and the~~

60 Department of Planning and Budget on or before ~~March 30~~ *the deadline established by the Advisory*
61 *Committee* each year. ~~In addition, public educational institutions shall submit the information to the State~~
62 ~~Council of Higher Education.~~

63 D. The Department of Planning and Budget, the Department of General Services, and the staff of the
64 State Council of Higher Education *for Virginia* shall review the information submitted and shall submit
65 the information and the results of their review, in the manner prescribed by the Advisory Committee, to
66 the Advisory Committee on or before ~~June 30~~ *the deadline established by the Advisory Committee* each
67 year.

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

75 **§ 2.2-1518. Communication of six-year capital outlay plan by Advisory Committee.**

76 A. 1. No later than January 13, 2009, the Governor shall submit to the General Assembly a tentative
77 bill establishing a capital outlay plan that includes new capital outlay projects (and previously planned
78 or authorized capital outlay projects) that the Governor proposes *three months after a newly enacted*
79 *budget, the Advisory Committee shall communicate and annually amend a six-year capital outlay plan in*
80 *the form of a report to the Governor and the General Assembly. The six-year capital outlay plan shall*
81 *include projects that have been authorized for planning only, in addition to any other obligations for*
82 *authorized projects that the Advisory Committee deems appropriate that have not yet been funded in an*
83 *appropriation act or other legislation and for which planning or future project stages are to be funded*
84 *entirely or partially from general fund-supported resources for the six fiscal years beginning July 1, 2009*
85 *of the year of any newly enacted budget. Projects included in the six-year capital outlay plan shall be in*
86 *addition to any projects for which funds are appropriated from the Central Maintenance Reserve of the*
87 *general appropriation act.*

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

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

100 B. For the 2021 Regular Session of the General Assembly and thereafter, the Governor shall ensure
101 that a prefiled bill is submitted to the Chairman of the House Committee on Appropriations and the
102 Chairman of the Senate Committee on Finance and Appropriations in accordance with the deadlines for
103 prefiling under subdivision A 3 of § 30-19.3 for any proposed amendments to the current capital outlay
104 plan enacted into law, including adjusting the fiscal years covered by the plan so that the plan will cover
105 the six fiscal years beginning on the immediately following July 1. Any such prefiled bill shall be
106 submitted using the format described in subsection A.

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