

# VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

## CHAPTER 279

*An Act to amend and reenact §§ 2.1-234.11 and 2.1-234.13 of the Code of Virginia, relating to the Virginia Public Building Authority; powers.*

[S 367]

Approved April 3, 2000

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

**1. That §§ 2.1-234.11 and 2.1-234.13 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-234.11. Definitions.

The following terms, whenever used or referred to in this article, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

1. ~~The term~~ "Authority" ~~shall mean~~ *means* the body politic and corporate created by this article.

2. ~~The term~~ "Project" ~~shall mean~~ *means* any structure, facility, personal property or undertaking which the Authority is authorized to finance, refinance, construct, improve, furnish, equip, maintain, acquire, or operate under the provisions of this article.

3. ~~The term~~ "Board" ~~shall mean~~ *means* the governing body of the Authority.

4. ~~The term~~ "Person" ~~shall mean~~ *means* and ~~include~~ *includes* natural persons, firms, associations, corporations, business trusts, partnerships, and public bodies.

5. ~~The term~~ "Federal agency" ~~shall mean~~ *means* and ~~include~~ *includes* the United States of America, the President of the United States of America, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the United States of America.

6. ~~The term~~ "Bonds" ~~shall mean~~ *means* and ~~include~~ *includes* the notes, bonds, and other evidences of indebtedness or obligations which the Authority is authorized to issue pursuant to this article.

7. ~~The term~~ "Construction" ~~shall mean~~ *means* and ~~include~~ *includes* acquisition and construction, and the term "to construct" ~~shall mean~~ *means* and ~~include~~ *includes* to acquire and to construct all in such manner as may be deemed desirable.

8. ~~The term~~ "Improvement" ~~shall mean~~ *means* and ~~include~~ *includes* extension, enlargement, improvement, and renovation and the term "to improve" shall mean and include to extend, to enlarge, to improve, and to renovate all in such manner as may be deemed desirable.

9. ~~The terms~~ "Fixtures" and "furnishings" shall mean and include any fixtures, leasehold improvements, equipment, office furniture and furnishings whatsoever as may be deemed necessary or desirable for the use and occupancy of such project, and the terms "to furnish" and "furnishing" shall mean and include the *acquisition and installation* of such fixtures, equipment and furnishings.

10. ~~The term~~ "Cost" *means*, as applied to a project financed under the provisions of this article ~~shall mean~~, the sum total of all costs as are reasonable and necessary for carrying out all works and undertakings necessary or incident to accomplish a project, including, without limitation because of enumeration, the cost of all necessary developmental, planning and feasibility studies, surveys, plans and specifications, architectural, engineering, financial, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, including the discharge of any obligations of the vendor of such land, buildings or improvements, site preparation and development including demolition or removal of existing structures, construction, and reconstruction, *furnishing of a project*, the reasonable cost of financing incurred in the course of the development of a project, carrying charges during construction to the occupancy date, interest on bonds issued to finance a project to a date subsequent to the estimated date of completion of a project, necessary expenses incurred in connection with the initial occupancy of a project, the funding of such funds and accounts as the Authority determines to be reasonable and necessary and the cost of such other items as the Authority determines to be reasonable and necessary.

11. ~~The terms~~ "Commonwealth" or "state" ~~shall mean~~ *means* the Commonwealth of Virginia and any agency or department thereof.

12. ~~The term~~ "Personal property" ~~shall mean~~ *means* and ~~include~~ *includes* all items of equipment, fixtures, and furnishings, including items affixed to real property.

§ 2.1-234.13. Purposes and general powers and duties of Authority.

The Authority is created for the purpose of constructing, improving, furnishing, maintaining, acquiring, financing, refinancing, and operating public buildings for the use of the Commonwealth (heretofore or hereafter constructed), state arsenals, armories, and military reserves, state institutions of every kind and character (heretofore and hereafter constructed), additions and improvements to land grant colleges, state colleges, universities and medical colleges, and the purchase of lands for

rehabilitation purposes in connection with state institutions and for use of state colleges, and museum facilities for a trust instrumentality of the United States, and the purchase of lands for the development of public buildings which may be authorized by the General Assembly in the future, the acquisition of items of personal property for the use of the Commonwealth, and the financing or refinancing of reimbursements to localities or regional jail authorities of all or any portion of the Commonwealth's share of the costs for jail projects made pursuant to §§ 53.1-80, 53.1-81, 53.1-82, or § 53.1-95.19, and the refinancing of (i) bonds issued by other state and local authorities or political subdivisions of the Commonwealth where such bonds are secured by a lease or other payment agreement with the Commonwealth or (ii) the Commonwealth's obligations under such leases *or payment agreements* (any and all of the foregoing being herein called projects), the purpose and intent of this article being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity. The Authority shall not undertake or finance or refinance any project or projects which are not specifically included in a bill or resolution passed by a majority of those elected to each house of the General Assembly, authorizing such project or projects or the reimbursement of all or any portion of the Commonwealth's share of the costs of such project or projects and, as to any project relating to a state institution of higher education, not specifically designated by the board of visitors of that institution as a project to be undertaken by the Authority. The Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality of the foregoing, the following rights and powers:

1. To have perpetual existence as a corporation.
  2. To sue and be sued, implead and be impleaded, complain and defend in all courts.
  3. To adopt, use, and alter at will a corporate seal.
  4. To acquire, purchase, hold and use any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; without limitation of the foregoing, to lease as lessee, with the approval of the Governor, any property, real, personal or mixed, or any interest therein for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined; with the approval of the Governor, to lease as lessor to the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency, department, or public body of the Commonwealth, or land grant college, any project at any time constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority.
  5. To acquire by purchase, lease, or otherwise, and to construct, improve, furnish, maintain, repair, and operate projects.
  6. To make bylaws for the management and regulation of its affairs.
  7. To fix, alter, charge, and collect rates, rentals, and other charges for the use of the facilities of, or for the services rendered by, the Authority, or projects thereof, at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, furnishing, maintenance, and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.
  8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or obligations (herein called bonds) of the Authority and such bonds as the Authority may, from time to time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable; and in general, to provide for the security for said bonds and the rights of holders thereof; provided that the total principal amount of such bonds outstanding excluding bonds issued to refinance bonds previously issued by the Authority and bonds issued to refinance (i) bonds issued by other state and local authorities or political subdivisions where such bonds are secured by a lease or other payment agreement with the Commonwealth or (ii) the Commonwealth's obligations under such leases or other payment agreements at any time shall not exceed \$1,140 million.
- The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year containing, at a minimum, the annual financial statements of the Authority for the year ending the preceding June 30. The annual report shall be distributed in accordance with the provisions of § 2.1-467.
9. To make contracts of every name and nature, and to execute all instruments necessary or convenient for the carrying on of its business.
  10. Without limitation of the foregoing, to borrow money and accept grants from, and to enter into contracts, leases or other transactions with, any federal agency.

11. To have the power of eminent domain.
12. To pledge or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.
13. To do all acts and things necessary or convenient to carry out the powers granted to it by this article or any other acts.
14. To acquire, by assignment from the Commonwealth or the Virginia Retirement System, all contracts, including those which are not completed, which involve constructing, improving, furnishing, maintaining, and operating the structures, facilities, or undertakings similar to those designated herein as projects.
15. To enter into contractual agreements with localities or regional jail authorities undertaking a jail project for which the financing or refinancing or reimbursements of all or any portion of the Commonwealth's share of the costs of such project will be made pursuant to subsection A 3 of § 53.1-82.2.

Except as otherwise provided by law, when projects are to be constructed, improved, furnished, maintained, repaired or operated for the use of any department of the Commonwealth, as hereinbefore listed in this section, no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the Department of General Services and any other department of the Commonwealth having any jurisdiction over the projects, so that the project will conform to standards established by such departments.