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## SENATE BILL NO. 1256

Offered January 18, 2005

*A BILL to amend and reenact §§ 62.1-198 and 62.1-199 of the Code of Virginia, relating to financing of military facilities by the Virginia Resources Authority.*

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 Patron—Locke
 

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 62.1-198 and 62.1-199 of the Code of Virginia are amended and reenacted as follows:**

§ 62.1-198. Legislative findings and purposes.

The General Assembly finds that there exists in the Commonwealth a critical need for additional sources of funding to finance the present and future needs of the Commonwealth for water supply, wastewater treatment facilities, drainage facilities, solid waste treatment, disposal and management facilities, recycling facilities, resource recovery facilities, professional sports facilities, certain heavy rail transportation facilities, public safety facilities, airport facilities, and the remediation of brownfields and contaminated properties. This need can be alleviated in part through the creation of a resources authority. Its purpose is to encourage the investment of both public and private funds and to make loans, grants, and credit enhancements available to: (i) local governments to finance water and sewer projects, drainage projects, solid waste treatment, disposal and management projects, recycling projects, professional sports facilities, resource recovery projects, public safety facilities, airport facilities, and the remediation of brownfields and contaminated properties and (ii) the federal government to finance the construction of office buildings and other infrastructure to be used by entities of the federal government on property currently owned by the federal government, including military facilities overseen by the U.S. Department of Defense, which property is either subject to a reversionary interest in favor of the Commonwealth or is adjacent to property that is subject to a reversionary interest in favor of the Commonwealth. The General Assembly determines that the creation of an authority for this purpose is in the public interest, serves a public purpose and will promote the health, safety, welfare, convenience or prosperity of the people of the Commonwealth.

§ 62.1-199. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

"Authority" means the Virginia Resources Authority created by this chapter.

"Board of Directors" means the Board of Directors of the Authority.

"Bonds" means any bonds, notes, debentures, interim certificates, bond, grant or revenue anticipation notes, lease and sale-leaseback transactions or any other evidences of indebtedness of the Authority.

"Capital Reserve Fund" means the reserve fund created and established by the Authority in accordance with § 62.1-215.

"Cost," as applied to any project financed under the provisions of this chapter, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project. It includes, without limitation, 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 sellers of such land, buildings or improvements, site preparation and development, including demolition or removal of existing structures, construction and reconstruction, labor, materials, machinery and equipment, the reasonable costs of financing incurred by the local government in the course of the development of the project, including the cost of any credit enhancements, carrying charges incurred before placing the project in service, interest on local obligations issued to finance the project to a date subsequent to the estimated date the project is to be placed in service, necessary expenses incurred in connection with placing the project in service, the funding of accounts and reserves which the Authority may require and the cost of other items which the Authority determines to be reasonable and necessary. It also includes the amount of any contribution, grant or aid which a local government may make or give to any adjoining state, the District of Columbia or any department, agency or instrumentality thereof to pay the costs incident and necessary to the accomplishment of any project, including, without limitation, the items set forth above.

"Credit enhancements" means surety bonds, insurance policies, letters of credit, guarantees and other forms of collateral or security.

"Local government" means any county, city, town, municipal corporation, authority, district,

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59 commission or political subdivision created by the General Assembly or pursuant to the Constitution and  
60 laws of the Commonwealth or any combination of any two or more of the foregoing.

61 "Local obligations" means any bonds, notes, debentures, interim certificates, bond, grant or revenue  
62 anticipation notes, leases or any other evidences of indebtedness of a local government.

63 "Minimum capital reserve fund requirement" means, as of any particular date of computation, the  
64 amount of money designated as the minimum capital reserve fund requirement which may be established  
65 in the resolution of the Authority authorizing the issuance of, or the trust indenture securing, any  
66 outstanding issue of bonds or credit enhancement.

67 "Project" means (i) any water supply or wastewater treatment facility including a facility for  
68 receiving and stabilizing septage or a soil drainage management facility and any solid waste treatment,  
69 disposal, or management facility, recycling facility, or resource recovery facility located or to be located  
70 in the Commonwealth, the District of Columbia or any adjoining state, all or part of which facility  
71 serves or is to serve any local government and (ii) *office buildings and other infrastructure to be used*  
72 *by entities of the federal government on property currently owned by the federal government, including*  
73 *military facilities overseen by the U.S. Department of Defense, which property is either subject to a*  
74 *reversionary interest in favor of the Commonwealth or is adjacent to property that is subject to a*  
75 *reversionary interest in favor of the Commonwealth.* The term includes, without limitation, water supply  
76 and intake facilities; water treatment and filtration facilities; water storage facilities; water distribution  
77 facilities; sewage and wastewater (including surface and ground water) collection, treatment and disposal  
78 facilities; drainage facilities and projects; solid waste treatment, disposal or management facilities;  
79 recycling facilities; resource recovery facilities; related office, administrative, storage, maintenance and  
80 laboratory facilities; and interests in land related thereto. The term also means any heavy rail  
81 transportation facilities operated by a transportation district, created under the Transportation District Act  
82 of 1964 (§ 15.2-4500 et seq.), which operates heavy rail freight service, including rolling stock, barge  
83 loading facilities, and any related marine or rail equipment. In addition, the term means any project as  
84 defined in § 5.1-30.1 and any professional sports facility, including a major league baseball stadium as  
85 defined in § 15.2-5800, provided that the specific professional sports facility projects have been  
86 designated by the General Assembly as eligible for assistance from the Authority. The term also means  
87 facilities supporting, related to, or otherwise used for public safety including, but not limited to,  
88 law-enforcement training facilities and emergency response, fire, rescue and police stations. The term  
89 also means the remediation, redevelopment and rehabilitation of property contaminated by the release of  
90 hazardous substances, hazardous wastes, solid wastes or petroleum where such remediation has not  
91 clearly been mandated by the United States Environmental Protection Agency, the Department of  
92 Environmental Quality, or a court pursuant to the Comprehensive Environmental Response,  
93 Compensation and Liability Act (42 U.S.C. § 9601 et seq.), the Resource Conservation and Recovery  
94 Act (42 U.S.C. § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), the State  
95 Water Control Law (§ 62.1-44.2 et seq.), or other applicable statutory or common law or where  
96 jurisdiction of those statutes has been waived.