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**HOUSE BILL NO. 2390**

Offered January 23, 2015

A *BILL to amend the Code of Virginia by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 and 2.2-2352, relating to investment in infrastructure.*

Patron—Futrell

Referred to Committee on General Laws

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

**1. That the Code of Virginia is amended by adding in Chapter 22 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2351 and 2.2-2352, as follows:**

*Article 11.**Virginia Infrastructure Investment Authority.***§ 2.2-2351. Virginia Infrastructure Investment Authority.**

A. *There is created a political subdivision in the Commonwealth to be known as the "Virginia Infrastructure Investment Authority." The Authority is created for the purpose of administering the Virginia Infrastructure Investment Bank created pursuant to § 2.2-2352.*

B. *The Authority shall be comprised of eight members as follows: the Secretary of Commerce and Trade, the Secretary of Transportation, the State Treasurer, and five additional members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The term of each member appointed by the Governor shall be five years.*

C. *The Department of the Treasury shall serve as staff to the Authority.*

D. *The Authority is granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following:*

1. *To have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;*

2. *To adopt, amend and repeal bylaws, and rules and regulations, not inconsistent with this chapter for the administration and regulation of its affairs and to carry into effect the powers and purposes of the Authority and the conduct of its business;*

3. *To sue and be sued in its own name;*

4. *To have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;*

5. *To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;*

6. *To sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its properties and assets;*

7. *To procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees or agents and for the indemnification of the members of its Board of Directors and its employees and agents;*

8. *To procure credit enhancements from any public or private entities, including any department, agency or instrumentality of the United States of America or the Commonwealth, for the payment of any bonds issued by the Authority, including the power to pay premiums or fees on any such credit enhancements;*

9. *To receive and accept from any source aid, grants and contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the aid, grants or contributions are made;*

10. *To enter into agreements with any department, agency or instrumentality of the United States of America or, the Commonwealth, the District of Columbia or any adjoining state for the purpose of planning, regulating and providing for the financing of any projects;*

11. *To invest or reinvest its funds as provided in this chapter or permitted by applicable law;*

12. *Unless restricted under any agreement with holders of bonds, to consent to any modification with respect to the rate of interest, time and payment of any installment of principal or interest, or any other term of any local obligations owned by the Authority;*

13. *To establish and revise, amend and repeal, and to charge and collect, fees and charges in connection with any activities or services of the Authority; and*

14. *To do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this chapter.*

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59 *E. The Authority shall have a fiduciary duty to ensure that it administers the Virginia Infrastructure*  
60 *Investment Bank in a manner that promotes job creation and economic development through the*  
61 *implementation of the projects that it chooses to finance.*

62 **§ 2.2-2352. Virginia Infrastructure Investment Bank.**

63 *A. There shall be set apart as a permanent and perpetual fund, to be known as the Virginia*  
64 *Infrastructure Investment Bank, consisting of monies provided to the Bank by private investors, such*  
65 *sums as may be appropriated by the General Assembly, all receipts by the Bank from loans made by it,*  
66 *all income from the investment of monies held in the Bank, and any other sums designated for deposit*  
67 *in the Bank from any source public or private. The Bank shall be administered by the Virginia*  
68 *Infrastructure Investment Authority created pursuant to § 2.2-2351.*

69 *B. The Authority shall provide loans or other financing to public and private entities for projects that*  
70 *(i) contribute to the development of infrastructure and (ii) whose construction have a demonstrated*  
71 *likelihood of creating jobs and stimulating economic development in the Commonwealth. Priority shall*  
72 *be given to projects located within the Commonwealth, but may be awarded to projects outside of the*  
73 *Commonwealth if the Authority feels that it is in the best interest of the Bank.*

74 *C. The Authority shall establish guidelines regarding the distribution of loans or other financing,*  
75 *prioritization of projects to be financed, and shall establish interest rates and repayment terms of such*  
76 *loans.*

77 *D. The Authority may disburse from the Bank its reasonable costs and expenses incurred in the*  
78 *administration and management of the Bank.*