

LD1684809

HOUSE BILL NO. 201

Offered January 17, 1994

A BILL to amend and reenact §§ 2.1-234.11 and 2.1-234.13 of the Code of Virginia; to amend and reenact the fourth, fifth and ninth enactments of Chapter 878 of the Acts of Assembly of 1992; and to amend and reenact the eleventh and thirteenth enactments of Chapter 1 of the Acts of Assembly of 1993, Special Session, the amended and reenacted sections and enactments all relating to the definitions and powers of the Virginia Public Building Authority and the projects to be financed by such Authority.

Patron—Ball

Referred to Committee on Appropriations

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 the body politic and corporate created by this article.

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

3. The term "board" shall mean the governing body of the Authority.

4. The term "person" shall mean and include natural persons, firms, associations, corporations, business trusts, partnerships, and public bodies.

5. The term "federal agency" shall mean and include 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 and include 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 and include acquisition and construction, and the term "to construct" shall mean and include to acquire and to construct all in such manner as may be deemed desirable.

8. The term "improvement" shall mean and include 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 desirable and required by the lessee of a project for the use and occupancy of such project, and the term "to furnish" and "furnishing" shall mean and include the installation of such fixtures, equipment and furnishings.

10. The term "cost" as applied to a project financed under the provisions of this article shall mean the sum total of all costs incurred by the Authority 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 incurred by the Authority 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, the reasonable cost of financing incurred by the Authority 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 with regard to bonds of the Authority and the cost of such other items as the Authority determines to be reasonable and necessary.

11. The term "State" shall mean the Commonwealth of Virginia and any agency or department thereof.

12. The term "*personal property*" shall mean and include all items of equipment, fixtures, furnishings, software, including items affixed to real property, and all costs associated with the

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60 *acquisition and installation, including but not limited to architectural and engineering fees, professional,*
61 *management and other necessary fees.*

62 § 2.1-234.13. Purposes and general powers and duties of Authority.

63 The Authority is created for the purpose of constructing, improving, furnishing, maintaining,
64 acquiring, and operating public buildings for the use of the Commonwealth (heretofore or hereafter
65 constructed), state arsenals, armories, and military reserves, state institutions of every kind and character
66 (heretofore and hereafter constructed), additions and improvements to land grant colleges, state colleges,
67 universities and medical colleges, and the purchase of lands for rehabilitation purposes in connection
68 with state institutions and for use of state colleges, and museum facilities for a trust instrumentality of
69 the United States, and the purchase of lands for the development of public buildings which may be
70 authorized by the General Assembly in the future, *and the acquisition of items of personal property for*
71 *the use of the Commonwealth* (any and all of the foregoing being herein called "projects"), the purpose
72 and intent of this article being to benefit the people of the Commonwealth by, among other things,
73 increasing their commerce and prosperity. The Authority shall not undertake any project or projects
74 which are not specifically included in a bill or resolution passed by a majority of those elected to each
75 house of the General Assembly, authorizing such project or projects and as to any project relating to a
76 state institution of higher education, not specifically designated by the board of visitors of that institution
77 as a project to be undertaken by the Authority. The Authority is hereby granted and shall have and may
78 exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including, but
79 without limiting the generality of the foregoing, the following rights and powers:

80 1. To have perpetual existence as a corporation.

81 2. To sue and be sued, implead and be impleaded, complain and defend in all courts.

82 3. To adopt, use, and alter at will a corporate seal.

83 4. To acquire, purchase, hold and use any property, real, personal or mixed, tangible or intangible, or
84 any interest therein necessary or desirable for carrying out the purposes of the Authority; without
85 limitation of the foregoing, to lease as lessee, with the approval of the Governor, any property, real,
86 personal or mixed, or any interest therein for a term not exceeding ninety-nine years at a nominal rental
87 or at such annual rental as may be determined; with the approval of the Governor, to lease as lessor to
88 the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency,
89 department, or public body of the Commonwealth, or land grant college, any project at any time
90 constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any
91 interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the
92 approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at
93 any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and
94 convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
95 acquired by the Authority.

96 5. To acquire by purchase, lease, or otherwise, and to construct, improve, furnish, maintain, repair,
97 and operate projects.

98 6. To make bylaws for the management and regulation of its affairs.

99 7. To fix, alter, charge, and collect rates, rentals, and other charges for the use of the facilities of, or
100 for the services rendered by, the Authority, or projects thereof, at reasonable rates to be determined by it
101 for the purpose of providing for the payment of the expenses of the Authority, the construction,
102 improvement, repair, furnishing, maintenance, and operation of its facilities and properties, the payment
103 of the principal of and interest on its obligations, and to fulfill the terms and provisions of any
104 agreements made with the purchasers or holders of any such obligations.

105 8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or
106 obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to
107 time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to
108 secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its
109 revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or
110 with others in connection with any such bonds, whether issued or to be issued, as the Authority shall
111 deem advisable ~~and~~; *and* in general, to provide for the security for said bonds and the rights of holders
112 thereof, provided that the total principal amount of such bonds outstanding at any time shall not exceed
113 \$862 million.

114 The Authority shall, ~~on or before January 1 in each odd-numbered year, submit to the General~~
115 ~~Assembly its construction report and estimate of cost thereof for the coming biennium.~~ The Authority
116 shall also submit an annual report to the Governor and General Assembly on or before November 1 of
117 each year containing, at a minimum, the annual financial statements of the Authority for the year ending
118 the preceding June 30. The annual report shall be distributed in accordance with the provisions of
119 § 2.1-467.

120 9. To make contracts of every name and nature, and to execute all instruments necessary or
121 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.

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.

2. That the fourth, fifth, and ninth enactments of Chapter 878 of the Acts of Assembly of 1992 are amended and reenacted as follows:

4. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake projects consisting of the construction, improvement and furnishing of four correctional facilities and the acquisition of appurtenant land as follows:

	Principal Amount of Project	
Virginia Correctional Center for Women, Kitchen/Dining Facility construction and the improvement of a bakery and existing kitchen space in several buildings		\$2,888,000
Keen Mountain Prototype Correctional Facility		\$52,000,000
Deep Meadow Prototype Correctional Facility #5		\$26,500,000 \$29,849,500
Bland Isolation/Segregation Building		\$1,912,100 \$2,812,100

Of the amounts provided for the Deep Meadow Prototype Correctional Facility #5, not more than \$3,349,500 shall be used to furnish the project. The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it by law in connection therewith, including the power to lease such projects to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth plus amounts needed to fund issuance costs, reserve funds and other financing expenses. The Authority is further authorized and directed to locate the Keen Mountain Prototype and the Deep Meadow Prototype Correctional Facilities on a site in Lunenburg County and a site in Wise County (the Wise County location being one generally referred to as "Red Onion Mountain"), provided that clear and unencumbered title to either or both sites, as the case may be, is conveyed to the Authority at no cost to the Authority or the Commonwealth by September 1, 1992, and that neither the Authority nor the Commonwealth shall be required or expected to contribute in any way to the cost of any utility or sitework improvement which is required to complete these projects where such work is outside the metes and bounds of the property which is owned by the Authority. If clear and unencumbered titles to either or both of these sites are not conveyed by such date, the Authority shall be authorized to redirect the location of the correctional facilities authorized pursuant to this section to sites located within the Eastern Administrative Region of the Department of Corrections and to acquire the appurtenant land and to exercise any and all powers granted to it by law in connection therewith.

5. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake projects consisting of the improvement and furnishing of four public building facilities located on state-owned property as follows:

Principal Amount

182	Facility	of Project
183		
184	James Madison Building Improvements and	
185	asbestos abatement	\$17,985,900
186		
187	Jefferson Building Improvements	\$8,606,000 \$10,982,385
188	James Monroe Building Improvements	\$1,246,200
189		
190	8th and 9th Street Office Building	
191	Improvements	\$1,112,000
192		

193 The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it by
 194 law in connection therewith, including the power to lease such projects to the Commonwealth and to
 195 finance the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth
 196 plus amounts needed to fund issuance costs, reserve funds and other financing expenses.

197 9. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
 198 the Virginia Public Building Authority to undertake a project consisting of the construction,
 199 improvement and furnishing of three housing units and ~~an administration building~~ *support buildings* at
 200 the Beaumont Learning Center, improvement of the security system, heating and ventilation system,
 201 water and wastewater system, roof replacement, and the demolition of several existing buildings and the
 202 acquisition of appurtenant land located in Powhatan County, and to exercise any and all powers granted
 203 to it in connection therewith, including the power to lease such project to the Commonwealth and to
 204 finance the cost thereof by the issuance of revenue bonds in a principal amount not to exceed
 205 ~~\$9,506,800~~ \$9,865,500 plus amounts needed to fund issuance costs, reserve funds, and other financing
 206 expenses. *Of the amount provided for the Beaumont Learning Center, not more than \$358,700 shall be*
 207 *used to furnish the project.*

208 **3. That the eleventh and thirteenth enactments of Chapter 1 of the Acts of Assembly of 1993,**
 209 **Special Session, are amended and reenacted as follows:**

210 11. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
 211 the Virginia Public Building Authority to undertake a project consisting of the construction *and*
 212 *furnishing* of a maximum security youth facility *and wastewater treatment plant*, and to exercise any
 213 and all powers granted to it by law in connection therewith, including the power to lease such project to
 214 the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal
 215 amount not to exceed ~~\$13,500,000~~ \$13,932,400 plus amounts needed to fund issuance costs, reserve
 216 funds, and other financing expenses. *Of the amounts provided for the maximum security youth facility,*
 217 *not more than \$432,400 shall be used to furnish the project.*

218 13. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
 219 the Virginia Public Building Authority to undertake a project consisting of the construction and
 220 furnishing of a Records Center for the Virginia State Library and Archives, and to exercise any and all
 221 powers granted to it by law in connection therewith, including the power to lease such project to the
 222 Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount
 223 not to exceed ~~\$7,962,000~~ \$9,800,000 plus amounts needed to fund issuance costs, reserve funds, and
 224 other financing expenses.

225 **4. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes**
 226 **the Virginia Public Building Authority to undertake projects consisting of the construction and**
 227 **furnishing of two regional diagnostic laboratory buildings, the acquisition of appurtenant land, and**
 228 **the demolition of existing structures as follows:**

229		Principal Amount
230	Facility	of Project
231		
232	Warrenton Regional Diagnostic Laboratory	\$1,936,400
233		
234	Lynchburg Regional Diagnostic Laboratory	\$1,968,120
235		
236		

237 The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it
 238 by law in connection therewith, including the power to lease such project to the Commonwealth and to
 239 finance the costs thereof by the issuance of revenue bonds not to exceed the principal amounts set forth
 240 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. The Authority
 241 is further authorized and directed to locate the Warrenton Laboratory on a site in the Town of

242 Warrenton, provided that clear and unencumbered title to the site is conveyed to the Authority at no cost
243 to the Authority or the Commonwealth by September 1, 1994. If clear and unencumbered title for the
244 Warrenton site is not conveyed by such date, the Authority shall be authorized to redirect the location of
245 the Warrenton Diagnostic Laboratory authorized pursuant to this section to a site located within Region
246 IV of the Department of Agriculture and Consumer Services and to acquire the appurtenant land and to
247 exercise any and all powers granted to it by law in connection therewith. Of the amount for the
248 Warrenton Laboratory, not more than \$150,000 shall be used for utility and sitework improvements
249 necessary outside the metes and bounds of the property which is owned by the Authority.

250 **5. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes**
251 **the Virginia Public Building Authority to undertake a project consisting of the acquisition of items**
252 **of personal property for agencies and institutions of the Commonwealth, and to exercise any and**
253 **all powers granted to it by law in connection therewith, including the power to lease such project**
254 **to the Commonwealth and to finance the cost thereof plus amounts needed to fund issuance costs,**
255 **reserve funds, and other financing expenses by the issuance of revenue bonds.**

256 **6. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby expresses**
257 **its intent to authorize the Virginia Public Building Authority to undertake a project consisting of**
258 **the improvement and furnishing of the State Library Building situated in proximity to Capitol**
259 **Square in the City of Richmond once the new State Library being constructed by the Authority**
260 **has been occupied. The General Assembly further intends that the project be leased to the**
261 **Department of General Services or to Virginia Commonwealth University.**