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SENATE BILL NO. 249

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 13, 1996)

(Patron Prior to Substitute—Senator Walker)

A BILL to amend and reenact §§ 2.1-234.12, 2.1-234.13, and 2.1-234.25 of the Code of Virginia; to amend and reenact the ninth and tenth enactments of Chapter 1 of the 1993 Acts of Assembly, Special Session, as amended by the seventh enactment of Chapter 841 of the 1995 Acts of Assembly; to amend and reenact the eleventh enactment of Chapter 1 of the 1993 Acts of Assembly, Special Session, as last amended by the eighth enactment of Chapter 841 of the 1995 Acts of Assembly; to amend and reenact the tenth enactment of Chapter 841 of the 1995 Acts of Assembly; and to provide for certain projects to be financed by the Virginia Public Building Authority; all relating to the powers of the Virginia Public Building Authority and the projects to be financed by such Authority.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-234.12, 2.1-234.13, and 2.1-234.25 of the Code of Virginia are amended and reenacted as follows:

§ 2.1-234.12. Virginia Public Building Authority created; membership; terms; expenses; vacancies; chairman; staff.

The State Treasurer or his designee, the State Comptroller, and five additional members appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointments are made, and if not in session, at its first session subsequent to such appointment, who shall serve at the pleasure of the Governor, are hereby created a body corporate and politic, constituting a public corporation and governmental instrumentality by the name of the "Virginia Public Building Authority." Unconfirmed appointments shall expire thirty days after the convening of the General Assembly. Such members of the Authority shall be entitled to no compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. The term of each member appointed by the Governor shall be five years; provided, however, that of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor, subject to confirmation by the General Assembly. *The Governor shall designate a chairman from among the Authority's membership who shall serve at the pleasure of the Governor.* The Department of the Treasury shall serve as staff to the Authority.

§ 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, 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, and the acquisition of items of personal property for the use of the Commonwealth (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 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 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

60 the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency,
61 department, or public body of the Commonwealth, or land grant college, any project at any time
62 constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any
63 interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the
64 approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at
65 any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and
66 convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
67 acquired by the Authority.

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

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

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

77 8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or
78 obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to
79 time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to
80 secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its
81 revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or
82 with others in connection with any such bonds, whether issued or to be issued, as the Authority shall
83 deem advisable; and in general, to provide for the security for said bonds and the rights of holders
84 thereof, provided that the total principal amount of such bonds outstanding at any time shall not exceed
85 ~~\$990~~ \$1,008 million.

86 The Authority shall submit an annual report to the Governor and General Assembly on or before
87 November 1 of each year containing, at a minimum, the annual financial statements of the Authority for
88 the year ending the preceding June 30. The annual report shall be distributed in accordance with the
89 provisions of § 2.1-467.

90 9. To make contracts of every name and nature, and to execute all instruments necessary or
91 convenient for the carrying on of its business.

92 10. Without limitation of the foregoing, to borrow money and accept grants from, and to enter into
93 contracts, leases or other transactions with, any federal agency.

94 11. To have the power of eminent domain.

95 12. To pledge or otherwise encumber all or any of the revenues or receipts of the Authority as
96 security for all or any of the obligations of the Authority.

97 13. To do all acts and things necessary or convenient to carry out the powers granted to it by this
98 article or any other acts.

99 14. To acquire, by assignment from the Commonwealth or the Virginia Retirement System, all
100 contracts, including those which are not completed, which involve constructing, improving, furnishing,
101 maintaining, and operating the structures, facilities, or undertakings similar to those designated herein as
102 projects.

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

109 § 2.1-234.25. Governing body of Authority.

110 The powers of the Authority shall be exercised by a governing body consisting of the members of
111 the Authority acting as a board. The board shall elect in each odd-numbered year from their number a
112 ~~chairman~~, a vice-chairman, a treasurer and a secretary. *In the absence of the chairman, the*
113 *vice-chairman shall exercise the powers and duties thereof.* The offices of secretary and treasurer may
114 be combined. The board may elect such other officers from its own membership or from without as it
115 deems appropriate.

116 Four members shall constitute a quorum of the board for the purpose of organizing the Authority and
117 conducting the business thereof and for all other purposes, and all actions shall be taken by vote of a
118 majority of the members of the Authority, unless in any case the bylaws shall require a larger number.

119 The board shall have full authority to manage the properties and business of the Authority, and to
120 prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business
121 of the Authority may be conducted, and the powers granted to it may be exercised and embodied. The

board may assign to the Treasury Board or the State Treasurer such powers and duties as it may deem proper.

2. That the ninth and tenth enactments of Chapter 1 of the 1993 Acts of Assembly, Special Session, as amended by the seventh enactment of Chapter 841 of the 1995 Acts of Assembly, are amended and reenacted as follows:

9. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the construction *and furnishing* of a Keen Mountain Prototype Facility #3 maximum-security prison, to be located in Sussex County (Sussex I), and to exercise any and all powers granted to it by law in connection therewith, including the power to lease such project to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount not to exceed ~~\$71,120,000~~ \$74,472,000 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. *Of the amount provided for the Sussex I facility, no more than \$3,352,000 shall be used to furnish the facility.*

10. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the demolition of existing structures and the construction *and furnishing* of a new women's multi-custody prison to be located in Fluvanna County, and to exercise any and all powers granted to it by law in connection therewith, including the power to lease such project to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount not to exceed ~~\$48,899,312~~ \$53,110,312 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. *Of the amount provided for the women's multi-custody prison, no more than \$4,211,000 shall be used to furnish the facility.*

3. That the eleventh enactment of Chapter 1 of the 1993 Acts of Assembly, Special Session, as last amended by the eighth enactment of Chapter 841 of the 1995 Acts of Assembly, is amended and reenacted as follows:

11. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the construction and furnishing of a maximum security youth facility and wastewater treatment plant at Beaumont in Powhatan County, and to exercise any and all powers granted to it by law in connection therewith, including the power to lease such project to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principle amount not to exceed ~~\$20,432,000~~ \$21,132,000 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. *Of the amounts provided for the maximum security youth facility, not more than \$432,400 \$1,132,400 shall be used to furnish the project.*

4. That the tenth enactment of Chapter 841 of the 1995 Acts of Assembly is amended and reenacted as follows:

10. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the improvement of one museum facility as follows:

Facility	Principal Amount of Project
Broad Street Station (Science Museum of Virginia)	
Renovations and Emergency Repairs	\$1,730,450 \$9,330,450

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 project 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.

5.

§ 1. 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 adult and juvenile correctional facilities and the acquisition of appurtenant land as follows:

Facility	Principal Amount of Project
Southampton Reception and Classification Center	
Renovation	\$5,100,000
Close Custody Juvenile Correctional Facility	

182
183 (Culpeper County) \$30,430,000 § 2. The Virginia Public Building Authority is also authorized to
184 exercise any and all powers granted to it by law in connection therewith, including the power to lease
185 such projects to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds not
186 to exceed the principal amount set forth plus amounts needed to fund issuance costs, reserve funds, and
187 other financing expenses.

188 6.
189 § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
190 the Virginia Public Building Authority to undertake a project consisting of the construction and
191 furnishing of a Farmer's Market Facility and the acquisition of appurtenant land located in the
192 Northern Neck region of the Commonwealth, and to exercise any and all powers granted to it by law in
193 connection therewith, including the power to lease such project to the Commonwealth and to finance the
194 cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$2,800,000 plus
195 amounts needed to fund issuance costs, reserve funds, and other financing expenses.