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SENATE BILL NO. 1031

Offered January 20, 1997

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

Patron—Stosch

Referred to the Committee on Finance

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 ~~and~~, certain heavy rail transportation facilities, *and facilities used for certain charitable, educational and scientific purposes*. 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 and grants available to local governments *and nonprofit entities* to finance water and sewer projects, drainage projects, solid waste treatment, disposal and management projects, recycling projects, *facilities used for certain charitable, educational or scientific purposes*, and resource recovery projects. 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 *or a nonprofit entity* 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 *or nonprofit entity* in the course of the development of the project, 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.

"Local government" means any county, city, town, municipal corporation, authority, district, commission or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the Commonwealth or any combination of any two or more of the foregoing.

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

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

"Nonprofit entity" means any corporation exempt from taxation under § 501 (c) (3) of the Internal

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60 *Revenue Code organized under the laws of the Commonwealth for charitable, scientific, or educational*
61 *purposes.*

62 "Project" means any water supply or wastewater treatment facility including a facility for receiving
63 and stabilizing septage or a soil drainage management facility and any solid waste treatment, disposal, or
64 management facility, recycling facility, or resource recovery facility located or to be located in the
65 Commonwealth, the District of Columbia or any adjoining state, all or part of which facility serves or is
66 to serve any local government. The term includes, without limitation, water supply and intake facilities;
67 water treatment and filtration facilities; water storage facilities; water distribution facilities; sewage and
68 wastewater (including surface and ground water) collection, treatment and disposal facilities; drainage
69 facilities and projects; solid waste treatment, disposal or management facilities; recycling facilities;
70 resource recovery facilities; related office, administrative, storage, maintenance and laboratory facilities;
71 and interests in land related thereto. The term also means any heavy rail transportation facilities operated
72 by a transportation district, created under the Transportation District Act of 1964 (§ 15.1-1342 et seq.),
73 which operates heavy rail freight service, including rolling stock, barge loading facilities, and any related
74 marine or rail equipment. *Further, the term means any facility used for charitable, educational or*
75 *scientific purposes, including demonstrations, assemblages, and events to promote the proper use of*
76 *natural resources and the education and instruction of the public as to environmental matters, land use,*
77 *soil and water conservation, recycling, and litter control.*