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SENATE BILL NO. 195

Senate Amendments in [ ] — February 6, 1998

A BILL to amend and reenact §§ 2.1-234.11 through 2.1-234.14, 2.1-234.16, 2.1-234.20, 2.1-234.21, 2.1-234.23, 2.1-234.25, 2.1-234.27, and 53.1-82.3 of the Code of Virginia, relating to the powers and duties of the Virginia Public Building Authority and the refunding of bonds issued by other issuers secured by a lease or other payment agreement with the Commonwealth.

Patron—Wampler

Referred to the Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-234.11 through 2.1-234.14, 2.1-234.16, 2.1-234.20, 2.1-234.21, 2.1-234.23, 2.1-234.25, 2.1-234.27, and 53.1-82.3 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 finance, refinance, 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 necessary or desirable and required by the lessee of a project for the use and occupancy of such project, and the terms "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 terms "Commonwealth" or "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, and furnishings, including items affixed to real property.

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

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60 The State Treasurer or his designee, the State Comptroller, and five additional members appointed by  
61 the Governor, subject to confirmation by the General Assembly, if in session when such appointments  
62 are made, and if not in session, at its first session subsequent to such appointment, who shall serve at  
63 the pleasure of the Governor, are hereby created a body corporate and politic, constituting a public  
64 corporation and governmental instrumentality by the name of the "Virginia Public Building Authority."  
65 Unconfirmed appointments shall expire thirty days after the convening of the General Assembly. Such  
66 members of the Authority shall be entitled to no compensation for their services as members, but shall  
67 be entitled to reimbursement for all necessary expenses incurred in connection with the performance of  
68 their duties as members. The term of each member appointed by the Governor shall be five years;  
69 provided, however, that of the members first appointed, one shall be appointed for a term of five years,  
70 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  
71 term of one year. Any vacancy happening among the appointed members of the Authority shall be filled  
72 by appointment by the Governor, subject to confirmation by the General Assembly. *The Governor shall*  
73 *designate one member of the Authority as chairman.* The Department of the Treasury shall serve as staff  
74 to the Authority.

75 § 2.1-234.13. Purposes and general powers and duties of Authority.

76 The Authority is created for the purpose of constructing, improving, furnishing, maintaining,  
77 acquiring, *financing, refinancing,* and operating public buildings for the use of the Commonwealth  
78 (heretofore or hereafter constructed), state arsenals, armories, and military reserves, state institutions of  
79 every kind and character (heretofore and hereafter constructed), additions and improvements to land  
80 grant colleges, state colleges, universities and medical colleges, and the purchase of lands for  
81 rehabilitation purposes in connection with state institutions and for use of state colleges, and museum  
82 facilities for a trust instrumentality of the United States, and the purchase of lands for the development  
83 of public buildings which may be authorized by the General Assembly in the future, the acquisition of  
84 items of personal property for the use of the Commonwealth, and the financing or refinancing of  
85 reimbursements to localities or regional jail authorities of all or any portion of the Commonwealth's  
86 share of the costs for jail projects made pursuant to §§ 53.1-80, 53.1-81, 53.1-82, or § 53.1-95.19, *and*  
87 *the refinancing of (i) bonds issued by other state and local authorities or political subdivisions of the*  
88 *Commonwealth where such bonds are secured by a lease or other payment agreement with the*  
89 *Commonwealth or (ii) the Commonwealth's obligations under such leases* (any and all of the foregoing  
90 being herein called "projects"), the purpose and intent of this article being to benefit the people of the  
91 Commonwealth by, among other things, increasing their commerce and prosperity. The Authority shall  
92 not undertake or finance or refinance any project or projects which are not specifically included in a bill  
93 or resolution passed by a majority of those elected to each house of the General Assembly, authorizing  
94 such project or projects or the reimbursement of all or any portion of the Commonwealth's share of the  
95 costs of such project or projects and, as to any project relating to a state institution of higher education,  
96 not specifically designated by the board of visitors of that institution as a project to be undertaken by  
97 the Authority. The Authority is hereby granted and shall have and may exercise all powers necessary or  
98 convenient for the carrying out of the aforesaid purposes, including, but without limiting the generality  
99 of the foregoing, the following rights and powers:

- 100 1. To have perpetual existence as a corporation.
- 101 2. To sue and be sued, implead and be impleaded, complain and defend in all courts.
- 102 3. To adopt, use, and alter at will a corporate seal.
- 103 4. To acquire, purchase, hold and use any property, real, personal or mixed, tangible or intangible, or  
104 any interest therein necessary or desirable for carrying out the purposes of the Authority; without  
105 limitation of the foregoing, to lease as lessee, with the approval of the Governor, any property, real,  
106 personal or mixed, or any interest therein for a term not exceeding ninety-nine years at a nominal rental  
107 or at such annual rental as may be determined; with the approval of the Governor, to lease as lessor to  
108 the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency,  
109 department, or public body of the Commonwealth, or land grant college, any project at any time  
110 constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any  
111 interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the  
112 approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at  
113 any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and  
114 convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
115 acquired by the Authority.
- 116 5. To acquire by purchase, lease, or otherwise, and to construct, improve, furnish, maintain, repair,  
117 and operate projects.
- 118 6. To make bylaws for the management and regulation of its affairs.
- 119 7. To fix, alter, charge, and collect rates, rentals, and other charges for the use of the facilities of, or  
120 for the services rendered by, the Authority, or projects thereof, at reasonable rates to be determined by it  
121 for the purpose of providing for the payment of the expenses of the Authority, the construction,

122 improvement, repair, furnishing, maintenance, and operation of its facilities and properties, the payment  
123 of the principal of and interest on its obligations, and to fulfill the terms and provisions of any  
124 agreements made with the purchasers or holders of any such obligations.

125 8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or  
126 obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to  
127 time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to  
128 secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its  
129 revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or  
130 with others in connection with any such bonds, whether issued or to be issued, as the Authority shall  
131 deem advisable; and in general, to provide for the security for said bonds and the rights of holders  
132 thereof [  ~~, provided that the total principal amount of such bonds outstanding at any time shall not~~  
133 ~~exceed \$1,386 million~~ , provided that the total principal amount of such bonds outstanding at any time  
134 shall not exceed ~~\$1,386~~ \$1,140 million ] .

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

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

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

143 11. To have the power of eminent domain.

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

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

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

152 15. To enter into contractual agreements with localities or regional jail authorities undertaking a jail  
153 project for which the financing or refinancing of reimbursements of all or any portion of the  
154 Commonwealth's share of the costs of such project will be made pursuant to subsection A 3 of  
155 § 53.1-82.2.

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

162 § 2.1-234.14. Revenue bonds generally.

163 The Authority is hereby authorized, *by and with the consent of the Governor*, to provide for the  
164 issuance, at one time or from time to time, of revenue bonds of the Authority for the purpose of paying  
165 all or any part of the cost of any one or more projects or of any portion or portions thereof. The  
166 principal of and the interest on such bonds shall be payable solely from the funds provided in this  
167 article for such payment. Any bonds of the Authority issued pursuant to this article shall not constitute a  
168 debt of the Commonwealth, or any political subdivision thereof other than the Authority, and shall so  
169 state on their face. Neither the members of the Authority nor any person executing such bonds shall be  
170 liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall  
171 bear interest, shall mature at such time or times not exceeding forty years from their date or dates, as  
172 may be determined by the Authority, and may be made redeemable before maturity, at the option of the  
173 Authority, at such price or prices and under such terms and conditions as may be fixed by the  
174 Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority  
175 prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution  
176 of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or  
177 denominations of the bonds and the place or places of payment of principal and interest, which may be  
178 at any bank or trust company within or without the Commonwealth. In case any officer whose signature  
179 or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer  
180 before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and  
181 sufficient for all purposes the same as if he had remained in office until such delivery. The bonds may  
182 be issued in coupon or in registered form or both, as the Authority may determine, and provision may

183 be made for the registration of any coupon bonds as to principal alone and also as to both principal and  
184 interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest,  
185 and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such  
186 manner, either at public or private sale, and for such price as it may determine will best effect the  
187 purposes of this chapter.

188 The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the  
189 projects for which such bonds shall have been issued, and shall be disbursed in such manner and under  
190 such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such  
191 bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of  
192 any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like  
193 manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution  
194 authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to  
195 be of the same issue and shall be entitled to payment from the same fund without preference or priority  
196 of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus  
197 shall be deposited to the credit of the sinking fund for such bonds, or may be applied to the payment of  
198 the cost of any additional project or projects.

199 Prior to the preparation of definitive bonds, the Authority may, under like restrictions issue interim  
200 receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such  
201 bonds shall have been executed and are available for delivery. The Authority may also provide for the  
202 replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be  
203 issued under the provisions of this chapter without obtaining the consent of any department, division,  
204 commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the  
205 happening of any other conditions or things than those proceedings, conditions or things which are  
206 specifically required by this article.

207 § 2.1-234.16. Rents, fees and charges for financing or refinancing, services or use of facilities; use  
208 and disposition of revenues.

209 The Authority is hereby authorized to fix, revise, charge, and collect rates, fees, and other charges  
210 for *the financing or refinancing of*, the use of or for the services and facilities furnished by each project  
211 and the different parts thereof, and to contract with any agency, commission or political subdivision *or*  
212 *other entity* desiring the use of any part thereof, and to fix the terms, conditions, rents, and rates of  
213 charges for such use *or financing or refinancing*. Such rates, fees, and other charges shall be so fixed  
214 and adjusted so that revenues of the Authority, together with any other available funds, will be sufficient  
215 at all times to pay (i) the cost of maintaining, repairing and operating such project or projects and (ii)  
216 the principal of and the interest on such bonds as the same shall become due and payable, and to create  
217 reserves for such purposes. Such rates, fees, and other charges shall not be subject to supervision or  
218 regulation by any other commission, board, bureau, or agency of the Commonwealth. The revenues  
219 derived from the project or projects in connection with which the bonds shall have been issued, except  
220 such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to  
221 provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such  
222 bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be  
223 provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and  
224 charged with, the payment of the principal of and the interest on such bonds as the same shall become  
225 due, and the redemption price or the purchase price of bonds retired by call or purchase as therein  
226 provided. Such pledge shall be valid and binding from the time when the pledge is made, the revenues  
227 or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the  
228 lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge  
229 shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise  
230 against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor  
231 any trust agreement by which a pledge is created need be filed or recorded except in the records of the  
232 Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the  
233 provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as  
234 may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund  
235 for all such bonds without distinction or priority of one over another.

236 § 2.1-234.20. Revenue refunding bonds; bonds for refunding and for cost of additional projects.

237 The Authority is hereby authorized to provide for the issuance of revenue refunding bonds of the  
238 Authority for the purpose of refunding any bonds then outstanding which shall have been issued under  
239 the provisions of this article *or by other state and local authorities or political subdivisions of the*  
240 *Commonwealth where such bonds are secured by a lease or other payment agreement with the*  
241 *Commonwealth*, including the payment of any redemption premium thereon and any interest accrued or  
242 to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the  
243 additional purpose of constructing improvements, extensions, or enlargements of the project or projects  
244 in connection with which the bonds to be refunded shall have been issued. The Authority is further

245 authorized to provide by resolution for the issuance of its revenue bonds for the combined purpose of (i)  
 246 refunding any bonds then outstanding which shall have been issued under the provisions of this article  
 247 *or by other state and local authorities or political subdivisions of the Commonwealth where such bonds*  
 248 *are secured by a lease or other payment agreement with the Commonwealth*, including the payment of  
 249 any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such  
 250 bonds, and (ii) paying all or any part of the cost of any additional project or projects or any portion or  
 251 portions thereof. The issuance of such bonds, the maturities and other details thereof, the rights of the  
 252 holders thereof, and the rights, duties and obligations of the Authority in respect of the same shall be  
 253 governed by the provisions of this article insofar as the same may be applicable.

254 § 2.1-234.21. Contracts, leases and other arrangements.

255 A. In connection with the operation of a facility owned or controlled by the Authority, the Authority  
 256 may enter into contracts, leases, and other arrangements with any person or persons (i) granting the  
 257 privilege of using or improving the facility or any portion or facility thereof or space therein consistent  
 258 with the purposes of this article; (ii) conferring the privilege of supplying goods, commodities, things,  
 259 services, or facilities at the facility; ~~and~~ (iii) making available services to be furnished by the Authority  
 260 or its agents at the facility; *and (iv) providing for the payment therefor.*

261 In each case the Authority may establish the terms and conditions and fix the charges, rentals, or fee  
 262 for the privilege or service, which shall be reasonable and uniform for the same class of privilege or  
 263 service at each facility and shall be established with due regard to the property and improvements used  
 264 and the expenses of operation to the Authority.

265 B. Except as may be limited by the terms and conditions of any grant, loan or agreement authorized  
 266 by § 2.1-234.23, the Authority may by contract, lease, or other arrangements, upon a consideration fixed  
 267 by it, grant to any qualified person, for a term not to exceed thirty years, the privilege of operating, as  
 268 agent of the Authority or otherwise, any facility owned or controlled by the Authority; provided that no  
 269 person shall be granted any authority to operate a facility other than as a public facility or to enter into  
 270 any contracts, leases, or other arrangements in connection with the operation of the facility which the  
 271 Authority might not have undertaken under subsection A of this section.

272 C. In connection with a project leased to *or financed or refinanced for* a trust instrumentality of the  
 273 United States where ~~such trust instrumentality has agreed with the Authority to pay rent which together~~  
 274 ~~with~~ payments or contributions by the Commonwealth and any political subdivision, *together with*  
 275 *amounts pursuant to an agreement with such trust instrumentality to pay rent or other amounts*, are  
 276 sufficient to pay the principal of and interest on the Authority's bonds issued to finance *or refinance*  
 277 such project, the Authority may agree that such trust instrumentality shall assume all responsibility for  
 278 the acquisition, construction, operation, maintenance, and repair of the project and may further agree that  
 279 when the principal of all such bonds of the Authority and the interest thereon have been paid in full or  
 280 provision made therefor satisfactory to the Authority, the trust instrumentality may acquire the  
 281 Authority's interest in such project without payment of additional consideration.

282 § 2.1-234.23. Grants or loans of public or private funds.

283 The Authority is authorized to accept, receive, receipt for, disburse, and expend federal and state  
 284 moneys and other moneys, public or private, *including proceeds of the Authority's bonds*, made available  
 285 by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this article. All  
 286 federal moneys accepted under this section shall be accepted and expended by the Authority upon such  
 287 terms and conditions as are prescribed by the United States and as are consistent with state law; and all  
 288 state moneys accepted under this section shall be accepted and expended by the Authority upon such  
 289 terms and conditions as are prescribed by the Commonwealth.

290 § 2.1-234.25. Governing body of Authority.

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

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

300 The board shall have full authority to manage the properties and business of the Authority, and to  
 301 prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business  
 302 of the Authority may be conducted, and the powers granted to it may be exercised and embodied. The  
 303 board may assign to the Treasury Board or the State Treasurer such powers and duties as it may deem  
 304 proper.

305 § 2.1-234.27. Competition in award of contracts; contractors to give surety; terms of contracts.

306 If any project or any portion thereof or any improvement thereof shall be constructed, or furnished  
307 pursuant to a contract and the estimated cost thereof exceeds \$10,000, such contract *with the Authority*  
308 shall be awarded to the lowest responsible bidder after advertisement for bids. The Authority may make  
309 rules and regulations for the submission of bids and the construction, furnishing, or improvement of any  
310 project or portion thereof *to be owned by the Authority, the Commonwealth or any agency, institution,*  
311 *or department thereof.* No contract shall be entered into *by the Authority* for construction, furnishing, or  
312 improvement of any project, or portion thereof, or for the purchase of materials, unless the contractor  
313 shall give an undertaking with a sufficient surety or sureties approved by the Authority, and in an  
314 amount fixed by the Authority in accordance with § 11-58, for the faithful performance of the contract;  
315 and such contract shall be accompanied by an additional bond for the protection of those who furnish  
316 labor and material or rental equipment for such amount and subject to the same terms and conditions as  
317 established by the Authority in accordance with § 11-58. All construction contracts shall provide, among  
318 other things, that the person or corporation entering into such contract with the Authority will pay for all  
319 materials furnished, rental equipment used and services rendered for the performance of the contract, and  
320 that any person or corporation furnishing such materials, rental equipment or rendering such services  
321 may maintain an action to recover for the same against the obligor in the undertaking as though such  
322 person or corporation was named therein, provided the action is brought within one year after the time  
323 the cause of action accrued. The additional bond shall be conditioned upon the prompt payment of  
324 actual equipment rentals and shall not be conditioned upon or guarantee payment of equipment rentals,  
325 all or any part of which, directly or indirectly, apply on the purchase price of such equipment under the  
326 terms of a bailment lease or conditional sales contract or by any other arrangement by which title to the  
327 equipment will be transferred to the contractor and the rentals form any part of the consideration.

328 Subject to the aforesaid, the Authority may, but without intending by this provision to limit any  
329 powers of such Authority, enter into and carry out such contracts, or establish or comply with such rules  
330 and regulations concerning labor and materials to rental equipment and other related matters in  
331 connection with any project, or portion thereof, as the Authority may deem desirable.

332 § 53.1-82.3. Budgeting schedule for jail projects.

333 A. Any city or county or any combination of cities or counties requesting state financial assistance  
334 pursuant to §§ 53.1-80, 53.1-81 or § 53.1-82 shall, on or before March 1 biennially in the odd-numbered  
335 years, submit to the Governor, in a format prescribed by the Department of Corrections for such  
336 purpose, community corrections plans and specifications, including detailed cost estimates of any facility  
337 construction. On or before July 1 in the odd-numbered years, such localities shall also submit to the  
338 Governor, in a format prescribed for such purpose by the ~~Treasury Board~~ *Department of the Treasury*,  
339 the expected financing costs for any such facility construction in accordance with § 53.1-82.2. The  
340 Governor shall submit his recommendations for funding such projects as part of the budget bill on or  
341 before December 20 of the year immediately prior to the beginning of each regular session held in an  
342 even-numbered year of the General Assembly. Requests for appropriations of such funds shall be  
343 considered by the General Assembly only in even-numbered years.

344 B. In the event that the state share of reimbursable costs of the jail facility is estimated to be less  
345 than or equal to \$1,000,000, such localities shall be exempt from submitting to the Governor, in a  
346 format prescribed for such purpose by the ~~Treasury Board~~ *Department of the Treasury*, the expected  
347 financing costs for any such facility construction in accordance with subsection A above, unless such  
348 localities seek reimbursement of financial costs associated with such facility construction.