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HOUSE BILL NO. 32

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 13, 2000)

(Patron Prior to Substitute—Delegate Callahan)

A BILL to amend and reenact § 2.1-234.13 and to authorize for certain projects to be financed by the Virginia Public Building Authority.

Be it enacted by the General Assembly of Virginia:**1. That § 2.1-234.13 of the Code of Virginia is amended and reenacted as follows:**

§ 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, financing, refinancing, 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, the acquisition of items of personal property for the use of the Commonwealth, *the financing or refinancing of grants by the Commonwealth to any other state or local authority or instrumentality where such grants are for the purpose of making capital improvements to, acquiring, constructing, and equipping facilities that are in furtherance of the purposes of such other governmental entity*, and the financing or refinancing of reimbursements to localities or regional jail authorities of all or any portion of the Commonwealth's 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 the refinancing of (i) bonds issued by other state and local authorities or political subdivisions of the Commonwealth where such bonds are secured by a lease or other payment agreement with the Commonwealth or (ii) the Commonwealth's obligations under such leases (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 or finance or refinance 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 or the reimbursement of all or any portion of the Commonwealth's share of the costs of 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 the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency, department, or public body of the Commonwealth, or land grant college, any project at any time constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority.
5. To acquire by purchase, lease, or otherwise, and to construct, improve, furnish, maintain, repair, and operate projects.
6. To make bylaws for the management and regulation of its affairs.
7. To fix, alter, charge, and collect rates, rentals, and other charges for the use of the facilities of, or for the services rendered by, the Authority, or projects thereof, at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority, the construction,

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

63 8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or
 64 obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to
 65 time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to
 66 secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its
 67 revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or
 68 with others in connection with any such bonds, whether issued or to be issued, as the Authority shall
 69 deem advisable; and in general, to provide for the security for said bonds and the rights of holders
 70 thereof, provided that the total principal amount of such bonds outstanding excluding bonds issued to
 71 refinance bonds previously issued by the Authority and bonds issued to refinance (i) bonds issued by
 72 other state and local authorities or political subdivisions where such bonds are secured by a lease or
 73 other payment agreement with the Commonwealth or (ii) the Commonwealth's obligations under such
 74 leases or other payment agreements at any time shall not exceed \$1,140 million.

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

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

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

83 11. To have the power of eminent domain.

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

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

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

92 15. To enter into contractual agreements with localities or regional jail authorities undertaking a jail
 93 project for which the financing or refinancing of reimbursements of all or any portion of the
 94 Commonwealth's share of the costs of such project will be made pursuant to subsection A 3 of
 95 § 53.1-82.2.

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

102 2. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
 103 the Virginia Public Building Authority to undertake projects consisting of the renovation, improvement,
 104 and furnishing of three public facilities located on state or Authority-owned property in the City of
 105 Richmond as follows:

Facility	Principal Amount
of Project	
General Assembly Building renovations	
and handicapped accessibility	\$3,953,000
Finance Building renovations	\$14,119,000
Virginia Museum of Fine Arts improvements	\$11,282,000
including parking facilities	

120 Old State Library renovations \$26,000,000

121
122 § 2. The Virginia Public Building Authority is also authorized to exercise any and all powers granted
123 to it by law in connection therewith, including the power to finance the cost thereof by the issuance of
124 revenue bonds not to exceed the principal amount set forth plus amounts needed to fund issuance costs,
125 reserve funds, interest prior to or during improvement and for up to one year after completion of the
126 improvement, and other financing expenses.

127 3. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
128 the Virginia Public Building Authority to issue revenue bonds not to exceed \$29 million, plus
129 amounts needed to fund issuance costs, reserve fund, and other financing expenses; and to deposit
130 the proceeds of the bonds with the Virginia Public Broadcasting Board, as provided for in
131 § 2.1-563.27:5, to aid public television stations in converting facilities and equipment from analog
132 signal transmission to digital signal transmission, as required by Federal Communications
133 Commission standards.

134 The Virginia Public Broadcasting Board shall allocate such funds to Blue Ridge Public Television,
135 Incorporated, Central Virginia Educational Telecommunications Corporation, Hampton Roads
136 Educational Telecommunications Association, Incorporated, Shenandoah Valley Educational Television
137 Corporation, and Washington Educational Telecommunications Association, based upon a formula that,
138 at a minimum, considers equity of station resources, the efficiency of public television coverage, and the
139 level of public services provided to Virginia citizens.

140 4. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
141 the Virginia Public Building Authority to issue revenue bonds not to exceed \$13,150,000, plus
142 amounts needed to fund issuance costs, reserve funds, and other financing expenses, to construct a
143 Shipping Point Market for Fruit, in the Piedmont-Roanoke Region of the Commonwealth, provided
144 the following terms and conditions are met:

145 (a) A prudent business plan detailing production, marketing and distribution estimates, and
146 cooperative grower participation, shall be completed and submitted to the Governor and the chairmen
147 of the Appropriations and Agriculture Committees of the House of Delegates and the Finance and
148 Agriculture Committees of the Senate; such plan shall be approved by the Governor prior to the
149 expenditure of any funds for design or construction of the project.

150 (b) Real property shall be conveyed to the Commonwealth at no cost to the Commonwealth, in fee
151 simple, whereupon such project may be located.

152 (c) The amounts provided for herein include up to \$4,250,000 for specialized and incidental
153 equipment for operation of the facilities. Prior to the expenditure of any funds for construction of the
154 project, the Commissioner of the Department of Agriculture and Consumer Services shall enter into a
155 binding plan or agreement for repayment of a prudently derived sum, as the Commissioner may
156 determine, to repay a portion of the equipment cost to the Authority from non-state sources.

157 5. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
158 the Virginia Public Building Authority to undertake projects consisting of the construction,
159 renovation, improvement, and furnishing of certain capital projects as follows:

160 Amendments

161
162 **Virginia Natural History Museum**
163 Natural History Museum Construction \$13,200,000

164
165 **Department of Criminal Justice Services**
166 Law Enforcement Driver Training Facility \$10,000,000

167
168 No. Va. Forensic Lab/Medical Exa \$ 1,850,000

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170 **Department of Agriculture and Consumer Services**
171 Harrisonburg Laboratory and Offices \$ 6,452,000

172
173 Eastern Shore Seafood Processing
174
175 and Inspection Farmers Market \$ 5,200,000

176
177 **Department of Mental Health, Retardation**
178 **and Substance Abuse Services**

179	Northern Va. Training Center Renovation	\$ 5,000,000
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181	Regents of Gunston Hall	
182	Gunston Hall Improvements	\$ 2,250,000
183		
184	Woodrow Wilson Rehabilitation Center	
185	Carter Hall Renovation	\$ 2,500,000
186		
187	Frontier Culture Museum	
188	Frontier Culture Maintenance Building	\$ 1,450,000
189		
190	Science Museum of Virginia	
191	Science Museum Addition at Danville Science Center	\$ 1,000,000
192		
193	Department of Conservation and Recreation	
194	Lake Anna Cabins and Campsites	\$ 5,300,000
195		
196	Sailors Creek Visitors Center	\$ 1,000,000
197		
198	Mason Neck Park Waterfront Improvements	\$ 1,000,000
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202		-----
203		
204	Subtotal Amendments	\$55,952,000
205		

206 § 2. *The Virginia Public Building Authority is also authorized to exercise any and all powers granted*
207 *to it by law in connection therewith, including the power to finance the cost thereof by the issuance of*
208 *revenue bonds not to exceed the principal amount set forth plus amounts needed to fund issuance costs,*
209 *reserve funds, interest prior to or during improvement and for up to one year after completion of the*
210 *improvement, and other financing expenses.*