

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-1149 of the Code of Virginia, relating to the Department of General*
3 *Services; use and occupancy of real property by state agencies.*

4 [S 1114]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-1149 of the Code of Virginia is amended and reenacted as follows:**

8 § 2.2-1149. Department to review proposed acquisitions of real property; approval by the Governor;
9 exceptions.

10 Notwithstanding any provision of law to the contrary, no state department, agency or institution shall
11 acquire real property by gift, lease, purchase or any other means *or use or occupy real property* without
12 following the guidelines adopted by the Department and obtaining the prior approval of the Governor.
13 The Department shall review every proposed acquisition of real property by gift, lease, purchase or any
14 other means *and every proposed use or occupancy of real property* by any department, agency or
15 institution of the Commonwealth and recommend either approval or disapproval of the transactions to
16 the Governor based on cost, demonstrated need, and compliance with the Department's guidelines.

17 The provisions of this section shall not apply to the:

18 1. Acquisition of real property for open space preservations pursuant to the purposes of § 10.1-1800
19 and subdivision A 4 of § 10.1-2204, if it does not require as a condition of acceptance, an appropriation
20 of any state funds for the continued maintenance of such property;

21 2. Acquisition of easements pursuant to the purposes of §§ 10.1-1020 and 10.1-1021 or §§ 10.1-1700,
22 10.1-1702, and 10.1-1702;

23 3. Acquisition through the temporary lease or donation of real property for a period of six months or
24 less duration;

25 4. Acquisition of easements by public institutions of higher education provided that the particular
26 institution meets the conditions prescribed in subsection B of § 23-38.88;

27 5. Entering into an operating/income lease or a capital lease by a public institution of higher
28 education, for real property to be used for academic purposes, or for real property owned by the
29 institution or a foundation related to the institution to be used for non-academic purposes, in accordance
30 with the institution's land use plan pursuant to § 2.2-1153 provided that (i) the capital lease does not
31 constitute tax-supported debt of the Commonwealth, (ii) the institution meets the conditions prescribed in
32 subsection B of § 23-38.88, and (iii) for purposes of entering into a capital lease, the institution shall
33 have in effect a signed memorandum of understanding with the Secretary of Administration regarding
34 participation in the nongeneral fund decentralization program as set forth in the appropriation act. For
35 the purposes of this subdivision, an operating/income lease or a capital lease shall be determined using
36 generally accepted accounting principles; or

37 6. Acquisition of real property for the construction, improvement or maintenance of highways and
38 transportation facilities and purposes incidental thereto by the Department of Transportation; however,
39 acquisitions of real property by the Department of Transportation for office space, district offices,
40 residencies, area headquarters, or correctional facilities shall be subject to the Department's review and
41 the Governor's approval.

ENROLLED

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