

1995 SESSION

HOUSE SUBSTITUTE

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**HOUSE
SUBSTITUTE**

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HOUSE BILL NO. 1452

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 2, 1995)

(Patron Prior to Substitute—Delegate Callahan)

A BILL to amend and reenact §§ 2.1-234.12 and 2.1-234.13 of the Code of Virginia, to amend and reenact the third enactment of Chapter 876 of the Acts of Assembly of 1990, as last amended by the seventh enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session; the fifth enactment of Chapter 656 of the Acts of Assembly of 1991, as amended by the fourth enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session; the first enactment of Chapter 2 of the Acts of Assembly of 1991, Special Session II, as last amended by the seventh enactment of Chapter 823 of the Acts of Assembly of 1994; the first enactment of Chapter 4 of the Acts of Assembly of 1991, Special Session II, as last amended by the eighth enactment of Chapter 823 of the Acts of Assembly of 1994; the fourth enactment of Chapter 878 of the Acts of Assembly of 1992, as amended by the second enactment of Chapter 823 of the Acts of Assembly of 1994; and the ninth and tenth enactments of Chapter 1 of the Acts of Assembly of 1993, Special Session; and to provide for certain correctional 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 and 2.1-234.13 of the Code of Virginia are amended and reenacted as follows:

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

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 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,

60 personal or mixed, or any interest therein for a term not exceeding ninety-nine years at a nominal rental
61 or at such annual rental as may be determined; with the approval of the Governor, to lease as lessor to
62 the Commonwealth of Virginia and any city, county, town or other political subdivision, or any agency,
63 department, or public body of the Commonwealth, or land grant college, any project at any time
64 constructed by the Authority and any property, real, personal or mixed, tangible or intangible, or any
65 interest therein, at any time acquired by the Authority, whether wholly or partially completed; with the
66 approval of the Governor, to sell, transfer and convey to the Commonwealth of Virginia, any project at
67 any time constructed by the Authority; and, with the approval of the Governor, to sell, transfer and
68 convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time
69 acquired by the Authority.

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

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

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

79 8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or
80 obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to
81 time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to
82 secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its
83 revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or
84 with others in connection with any such bonds, whether issued or to be issued, as the Authority shall
85 deem advisable; and in general, to provide for the security for said bonds and the rights of holders
86 thereof, provided that the total principal amount of such bonds outstanding at any time shall not exceed
87 \$879 \$928 million.

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

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

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

96 11. To have the power of eminent domain.

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

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

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

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

111 **2. That the third enactment of Chapter 876 of the Acts of Assembly of 1990, as last amended by**
112 **the seventh enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session, is amended**
113 **and reenacted as follows:**

114 3. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
115 the Virginia Public Building Authority to undertake projects consisting of the construction and
116 furnishing of three correctional facilities located on state-owned property as follows:

117	Principal Amount
118 Facility	of Project
119	
120 Deep Meadow Prototype Correctional Facility #1	\$24,000,000

121		\$24,048,000
122	Deep Meadow Prototype Correctional Facility #2	\$24,000,000
123		\$24,664,000
124	Deep Meadow Prototype Correctional Facility #3	\$24,000,000
125		\$22,806,000
126	Warehouses at Augusta, Buckingham and Nottoway	
127	Correctional Centers (14168)	\$1,708,000

129 Of the amount provided for the Deep Meadow Prototype Correctional Facility #1, no more than
 130 ~~\$20,526,071~~ \$20,574,071 shall be used for prison construction and contingencies and no more than
 131 \$3,473,929 shall be used to furnish the prison. Of the amount provided for the Deep Meadow Prototype
 132 Correctional Facility #2, no more than ~~\$20,020,771~~ \$20,684,771 shall be used for prison construction
 133 and contingencies and no more than \$3,979,229 shall be used to furnish the prison. Of the amount for
 134 the Deep Meadow Prototype Correctional Facility #3, no more than ~~\$20,400,571~~ \$19,206,571 shall be
 135 used for prison construction and contingencies and no more than \$3,599,429 shall be used to furnish the
 136 prison. Included within the construction costs for the Deep Meadow Prototype Correctional Facility #3 is
 137 the demolition and reconstruction on state-owned property or acquired appurtenant land of a Virginia
 138 Department of Transportation area headquarters which stands on the prison construction site.

139 The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it
 140 by law in connection therewith, including the power to lease such projects to the Commonwealth and to
 141 finance the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth
 142 plus amounts needed to fund issuance costs, reserve funds and other financing expenses.

143 **3. That the fifth enactment of Chapter 656 of the Acts of Assembly of 1991, as amended by the**
 144 **fourth enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session, is amended and**
 145 **reenacted as follows:**

146 5. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
 147 the Virginia Public Building Authority to undertake a project consisting of the acquisition, construction
 148 and furnishing of up to an 825-bed correctional facility to be located in the Northern Administrative
 149 Region of the Department of Corrections, and to exercise any and all powers granted to it by law in
 150 connection therewith, including the power to lease such project to the Commonwealth and to finance the
 151 cost thereof by the issuance of revenue bonds in a principal amount not to exceed ~~\$28,149,429~~
 152 \$28,631,429 plus amounts needed to fund issuance costs, reserve funds and other financing expenses.

153 Of the amount provided for the 825-bed correctional facility, no more than ~~\$24,800,000~~ \$24,966,000
 154 shall be used for acquisition, prison construction and contingencies and no more than ~~\$3,349,429~~
 155 \$3,665,429 shall be used to furnish the facility.

156 **4. That the first enactment of Chapter 2 of the Acts of Assembly of 1991, Special Session II, as**
 157 **last amended by the seventh enactment of Chapter 823 of the Acts of Assembly of 1994, is**
 158 **amended and reenacted as follows:**

159 1. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly authorizes the
 160 Virginia Public Building Authority to undertake the following projects including, without limitation,
 161 constructing, improving, furnishing, maintaining, acquiring and renovating buildings, facilities,
 162 improvements and land therefor, to exercise any and all powers granted to it by law in connection
 163 therewith, including the power to lease such projects to the Commonwealth, and to finance all or any
 164 portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed
 165 ~~\$17,788,000~~ \$18,288,000 plus amounts needed to fund issuance costs, reserve funds, interest prior to
 166 and during acquisition, construction or renovation and for one year after completion thereof, and other
 167 financing expenses. The Authority may pay all or any part of the cost of any project hereinafter listed or
 168 otherwise authorized or any portion thereof with any income and reserve funds of the Authority
 169 available for such purpose, and in such case may transfer such funds of the Authority, with or without a
 170 property interest in such projects, as determined by the Authority, with the approval of the Governor.

171		Project
172	Facility	Cost
173		
174	Central State Hospital Life Safety Code	
175	Renovations for Building No. 39	\$3,434,000
176	Central Virginia Training Center Coal Pile	
177	Runoff Improvements	\$175,000
178	Department of General Services Renovation of	
179	Elevators in Supreme Court Building	\$779,000
180	Department of General Services Renovation of	

181	Elevators in State Capitol Building	\$375,000
182	Department of General Services Restoration of	
183	Virginia War Memorial	\$450,000
184	Eastern State Hospital Life Safety Corrections,	
185	Buildings 2, 25, 27, and 28	\$1,513,000
186	Eastern State Hospital Renovation of Climate	
187	Control System, Building No. 4	\$823,000
188	Eastern State Hospital Sources of Discharge	
189	Improvements	\$209,000
190	Eastern State Hospital Renovation of	
191	Bathrooms, Buildings 32 and 34	\$1,160,000
192	Southside Virginia Training Center	
193	Repairs and Renovations of Cottages	\$2,501,000
194	Western State Hospital Climate Control,	
195	Buildings 107, 115, 118, 121	\$2,337,000
196	Woodrow Wilson Rehabilitation Center	
197	Carter Hall, Heating, Ventilation and Air	
198	Conditioning	\$967,000
199	Augusta Correctional Center Air	
200	Pollution Control Requirements	\$434,000
201	Staunton Correctional Center Replacement of	
202	Stairwell in Building #37	\$253,000
203		\$353,000
204	St. Brides Correctional Center Roof Repairs	
205	and Replacements	\$875,000
206	Virginia Correctional Center for Women	
207	Repair of Heating System	\$482,000
208	Southampton Correctional Center Boiler	
209	Replacement	\$530,000
210	8th and 9th Street Office Buildings	
211	and Supreme Court Building	\$246,000
212	Department of General Services	
213	Repair Safety Hazards in Monroe Building	\$400,000
214	Virginia Institute for Marine Science Fire Safety	
215	Renovations	\$245,000
216	Total	\$17,788,000
217		\$18,288,000

218
219 **5. That the first enactment of Chapter 4 of the Acts of Assembly of 1991, Special Session II, as**
220 **last amended by the eighth enactment of Chapter 823 of the Acts of Assembly of 1994, is amended**
221 **and reenacted as follows:**

222 1. § 1. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly authorizes the
223 Virginia Public Building Authority to undertake the following projects including, without limitation,
224 constructing, improving, furnishing, maintaining, acquiring and renovating buildings, facilities,
225 improvements and land therefor, to exercise any and all powers granted to it by law in connection
226 therewith, including the power to lease such projects to the Commonwealth, and to finance all or any
227 portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed
228 ~~\$17,788,000~~ \$18,288,000 plus amounts needed to fund issuance costs, reserve funds, interest prior to
229 and during acquisition, construction or renovation and for one year after completion thereof, and other
230 financing expenses. The Authority may pay all or any part of the cost of any project hereinafter listed or
231 otherwise authorized or any portion thereof with any income and reserve funds of the Authority
232 available for such purpose, and in such case may transfer such funds of the Authority, with or without a
233 property interest in such projects, as determined by the Authority, with the approval of the Governor.

234		Project
235	Facility	Cost
236		
237	Central State Hospital Life Safety Code	
238	Renovations for Building No. 39	\$3,434,000

239	Central Virginia Training Center Coal Pile	
240	Runoff Improvements	\$175,000
241	Department of General Services Renovation of	
242	Elevators in Supreme Court Building	\$779,000
243	Department of General Services Renovation of	
244	Elevators in State Capitol Building	\$375,000
245	Department of General Services Restoration of	
246	Virginia War Memorial	\$450,000
247	Eastern State Hospital Life Safety Corrections,	
248	Buildings 2, 25, 27, and 28	\$1,513,000
249	Eastern State Hospital Renovation of Climate	
250	Control System, Building No. 4	\$823,000
251	Eastern State Hospital Sources of Discharge	
252	Improvements	\$209,000
253	Eastern State Hospital Renovation of	
254	Bathrooms, Buildings 32 and 34	\$1,160,000
255	Southside Virginia Training Center	
256	Repairs and Renovations of Cottages	\$2,501,000
257	Western State Hospital Climate Control,	
258	Buildings 107, 115, 118, 121	\$2,337,000
259	Woodrow Wilson Rehabilitation Center	
260	Carter Hall, Heating, Ventilation and Air	
261	Conditioning	\$967,000
262	Augusta Correctional Center Air	
263	Pollution Control Requirements	\$434,000
264	Staunton Correctional Center Replacement of	
265	Stairwell in Building #37	\$253,000
266		\$353,000
267	St. Brides Correctional Center Roof Repairs	
268	and Replacements	\$875,000
269	Virginia Correctional Center for Women	
270	Repair of Heating System	\$482,000
271	Southampton Correctional Center Boiler	
272	Replacement	\$530,000
273	8th and 9th Street Office Buildings	
274	and Supreme Court Building	\$246,000
275	Department of General Services	
276	Repair Safety Hazards in Monroe Building	\$400,000
277	Virginia Institute for Marine Science Fire Safety	
278	Renovations	\$245,000
279	Total	\$17,788,000
280		\$18,288,000

6. That the fourth enactment of Chapter 878 of the Acts of Assembly of 1992, as amended by the second enactment of Chapter 823 of the Acts of Assembly of 1994, is amended and reenacted as follows:

4. 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 four correctional facilities and the acquisition of appurtenant land as follows:

	Facility	Principal Amount of Project
291	Virginia Correctional Center for Women	
292	Kitchen/Dining Facility construction and	
293	the improvement of a bakery and existing	
294	kitchen space in several buildings	\$2,888,000
295	Keen Mountain Prototype Correctional Facility	\$52,000,000

296	Deep Meadow Prototype Correctional Facility #5	\$29,849,500
297	Bland Isolation/Segregation Building	\$2,812,100

298
299 Of the amounts provided for the Deep Meadow Prototype Correctional #5, not more than \$3,349,500
300 \$4,029,500 shall be used to furnish the project. *Of the amounts provided for the Bland*
301 *Isolation/Segregation Building, not more than \$124,500 shall be used to furnish the project.* The
302 Virginia Public Building Authority is also authorized to exercise any and all powers granted to it by law
303 in connection therewith, including the power to lease such projects to the Commonwealth and to finance
304 the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth plus
305 amounts needed to fund issuance costs, reserve funds, and other financing expenses. The Authority is
306 further authorized and directed to locate the ~~Keen Mountain Prototype~~ and the Deep Meadow Prototype
307 ~~Correctional Facilities Facility~~ on a site in Lunenburg County and a site in Wise County (the Wise
308 County location being one generally referred to as "Red Onion Mountain"), provided that clear and
309 unencumbered title to either or both sites, as the case may be, is conveyed to the Authority at no cost to
310 the Authority or the Commonwealth by September 1, 1992, and that neither the Authority nor the
311 Commonwealth shall be required or expected to contribute in any way to the cost of any utility or
312 sitework improvement which is required to complete these projects where such work is outside the
313 metes and bounds of the property which is owned by the Authority. If clear and unencumbered titles to
314 either or both of these sites are not conveyed by such date, the Authority shall be authorized to redirect
315 the location of the correctional facilities authorized pursuant to this section to sites located within the
316 Eastern Administrative Region of the Department of Corrections and to acquire the appurtenant land and
317 to exercise any and all powers granted to it by law in connection therewith. *The Authority is further*
318 *authorized and directed to locate the Keen Mountain Prototype Facility (Sussex II) on an existing*
319 *state-owned site in Sussex County, and to exercise any and all powers granted to it by law in*
320 *connection therewith. The Governor is authorized to supplement funds available for the Keen Mountain*
321 *Prototype Facility (Sussex II) in an amount up to \$21,041,420 from revenue collections deposited in the*
322 *state treasury to the credit of the general fund which exceed official estimates for the fiscal year ending*
323 *June 30, 1995. Any amount designated by the Governor to supplement funding available for the Facility*
324 *is herewith appropriated for such purpose. The Department of Corrections, acting as agent for the*
325 *Authority, shall design, construct and equip the Facility within the limits of funds provided for herein,*
326 *notwithstanding any supplemental appropriation therefor. To the extent that funds have been expended*
327 *for a Facility to be located on a site in Wise County, such expenditures shall be considered to be in*
328 *furtherance of the Keen Mountain Prototype Facility (Sussex II), and may be paid from the proceeds of*
329 *bonds issued for the project.*

330 **7. That the ninth and tenth enactments of Chapter 1 of the Acts of Assembly of 1993, Special**
331 **Session, are amended and reenacted as follows:**

332 9. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
333 the Virginia Public Building Authority to undertake a project consisting of the construction of a Keen
334 Mountain Prototype maximum-security prison, *to be located in Sussex County*, and to exercise any and
335 all powers granted to it by law in connection therewith, including the power to lease such project to the
336 Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount
337 not to exceed ~~\$55,120,000~~ \$71,330,552 plus amounts needed to fund issuance costs, reserve funds, and
338 other financing expenses.

339 10. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes
340 the Virginia Public Building Authority to undertake a project consisting of the demolition of existing
341 structures and the construction of a new women's multi-custody prison, and to exercise any and all
342 powers granted to it by law in connection therewith, including the power to lease such project to the
343 Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount
344 not to exceed ~~\$34,899,312~~ \$49,525,312 plus amounts needed to fund issuance costs, reserve funds, and
345 other financing expenses.

346 **8. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes**
347 **the Virginia Public Building Authority to undertake projects consisting of the construction,**
348 **improvement and furnishing of correctional facilities and the acquisition of appurtenant land as**
349 **follows:**

350		Principal Amount
351	Facility	of Project
352	Seven Corrections Work Centers	\$28,835,000

353
354 Of the amounts provided for the seven work centers, not more than \$3,910,000 shall be used to
355 furnish the project. The Virginia Public Building Authority is also authorized to exercise any and all
356 powers granted to it by law in connection therewith, including the power to lease such projects to the

357 Commonwealth and to finance the cost thereof by the issuance of revenue bonds not to exceed the
358 principal amount set forth plus amounts needed to fund issuance costs, reserve funds, and other
359 financing expenses.