

LD3259681

HOUSE BILL NO. 1452

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 14, 1995)

(Patron Prior to Substitute—Delegate Callahan)

A BILL to amend and reenact § 2.1-234.13 of the Code of Virginia; 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; the ninth and tenth enactments of Chapter 1 of the Acts of Assembly of 1993, Special Session; and the eleventh enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session, as amended by the third enactment of Chapter 823 of the Acts of Assembly of 1994; and to provide for certain 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 § 2.1-234.13 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, 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, 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, improvement, repair, furnishing, maintenance, and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

8. To borrow money; make and issue negotiable notes, bonds, and other evidences of indebtedness or

obligations (herein called "bonds") of the Authority and such bonds as the Authority may, from time to time, determine to issue for the purpose of refunding bonds previously issued by the Authority; to secure the payment of all bonds, or any part thereof, by pledge or deed of trust of all or any of its revenues, rentals, and receipts; to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable; and in general, to provide for the security for said bonds and the rights of holders thereof, provided that the total principal amount of such bonds outstanding at any time shall not exceed ~~\$879 million~~ *\$1.072 billion*.

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

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

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

11. To have the power of eminent domain.

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

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

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

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

2. 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
Virginia Correctional Center for Women, Kitchen/Dining Facility construction and the improvement of a bakery and existing kitchen space in several buildings	\$2,888,000
Keen Mountain Prototype Correctional Facility #2 (<i>Wise County</i>)	\$52,000,000 \$72,000,000
Deep Meadow Prototype Correctional Facility #5 (<i>Lunenburg County</i>)	\$29,849,500
Bland Isolation/Segregation Building	\$2,812,100

Of the amounts provided for the Deep Meadow Prototype Correctional Facility #5 (*Lunenburg County*), not more than \$3,349,500 shall be used to furnish the project. The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it by law in connection therewith, including the power to lease such projects to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. The Authority is further authorized and directed to locate the Keen Mountain Prototype and the Deep Meadow Prototype Correctional Facilities Facility #2 on a site in ~~Lunenburg County~~ *Wise County* and a site in ~~Wise County~~ *Wise County* (the ~~Wise County~~ location being one generally referred to as "Red Onion Mountain") and the Deep Meadow Prototype Correctional

Facility #5 on a site in Lunenburg County, provided that clear and unencumbered title to either or both sites, as the case may be, is conveyed to the Authority at no cost to the Authority or the Commonwealth by September 1, 1992, and that neither the Authority nor the Commonwealth shall be required or expected to contribute in any way to the cost of any utility or sitework improvement which is required to complete these projects where such work is outside the metes and bounds of the property which is owned by the Authority. If clear and unencumbered titles to either or both of these sites are not conveyed by such date, a suitable site for the construction of the Keen Mountain Prototype Facility #2 is not available in Wise County, the Authority shall be authorized to redirect the location of the correctional facilities authorized pursuant to this section facility to sites a site located within the Eastern Western Administrative Region of the Department of Corrections and to acquire the appurtenant land and to exercise any and all powers granted to it by law in connection therewith.

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

9. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the construction of a Keen Mountain Prototype #3maximum-security prison in Sussex County (Sussex I), and to exercise any and all powers granted to it by law in connection therewith, including the power to lease such project to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$55,120,000 \$71,330,552 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses.

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

4. That the eleventh enactment of Chapter 1 of the Acts of Assembly of 1993, Special Session, as amended by the third enactment of Chapter 823 of the Acts of Assembly of 1994, is amended and reenacted as follows:

11. That pursuant to § 2.1-234.13 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake a project consisting of the Construction and furnishing of a maximum security youth facility (Beaumont) and wastewater treatment plant, and to exercise any and all powers granted to it by law in connection therewith, including the power to lease such project to the Commonwealth and to finance the cost thereof by the issuance of revenue bonds in a principle amount not to exceed \$14,432,000 \$20,818,000 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. Of the amounts provided for the maximum security youth facility, not more than \$432,400 shall be used to furnish the project.

5. 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 and furnishing of thirteen adult correctional facilities and one juvenile correctional facilities, including new prison facilities, renovation and expansion of existing prison facilities, land acquisition and site improvements, as follows:

Facility	Principal Amount of Project
Renovation and expansion of Mecklenburg Correctional Center in Mecklenburg County	\$9,654,190
Seven Work Centers (in Brunswick County, in Greenville County, at Cold Springs in Augusta County, in Nottoway County, at James River in Powhatan County, in Southampton County, and at White Post in Frederick County)	\$28,835,000
Maximum Security Correctional Facility (Sussex II) in Sussex County	\$73,041,420
Four detention centers	\$12,089,584
One Medium Security Juvenile Correctional Facility at the Bon Air Campus of the Department of Youth and Family	

180 Services in Chesterfield County

\$11,330,000

181
182 The Virginia Public Building Authority is also authorized to exercise any and all powers granted to it
183 by law in connection therewith, including the power to lease such projects to the Commonwealth and to
184 finance the cost thereof by the issuance of revenue bonds not to exceed the principal amount set forth
185 plus amounts needed to fund issuance costs, reserve funds, and other financing expenses. The Virginia
186 Public Building Authority shall not be authorized to undertake any of such projects until the governing
187 body of the county, city, or town wherein the project is to be located has adopted a resolution
188 supporting the location of the project within the county, city, or town.