

LD7142204

HOUSE BILL NO. 789

Offered January 25, 1994

A *BILL to amend and reenact §§ 23-15, 23-17, 23-19, 23-30.24, 23-30.26, 23-30.28, 23-30.29 and 23-30.31 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 23-30.29:1 and 23-30.29:2, relating to the issuance of revenue bonds for institutions of higher education and utilizing the Virginia College Building Authority to finance certain capital projects and equipment at such institutions; authorizing the issuance of revenue bonds, by and with the consent of the Governor, pursuant to the provisions of § 23-30.23 et seq. of the Code of Virginia and as permitted by Section 9(d) of Article X of the Constitution of Virginia, in a principal amount not exceeding \$111,245,000, plus an amount for issuance costs, capitalized interest for up to one year after the completion of the projects, reserve funds, and other financing expenses, for the purpose of providing funds, with any other available funds, to pay all or a portion of the costs incurred or to be incurred for the design and construction of seven projects at state institutions of higher education; and providing a mechanism for the payment of such bonds.*

Patron—Diamonstein

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-15, 23-17, 23-19, 23-30.24, 23-30.26, 23-30.28, 23-30.29 and 23-30.31 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 23-30.29:1 and 23-30.29:2 as follows:

§ 23-15. Definitions.

Whenever as used in this chapter, unless a different meaning clearly appears from the context:

(a) "Institution" shall mean any educational institution referred to in § 23-14 hereof.

(b) "Board" shall mean the board of visitors, board of trustees, or other governing body, by whatever name known, of an institution.

(c) "Bonds" shall mean any bonds, ~~certificates~~ *notes or other evidences* of indebtedness or other obligations of an institution issued by an institution pursuant to this chapter.

(d) "Governor" shall mean the Governor of the Commonwealth of Virginia.

(e) "Project" shall mean (i) any building, facility, addition, extension or improvement of a capital nature required by or convenient for the purposes of an educational institution, including, without limitation, administration, teaching, lecture and exhibition halls, libraries, dormitories, student apartments, faculty dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers, infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletic facilities, garages, parking facilities, warehouses and storage buildings, book and student supplies centers and all buildings, lands and any other appurtenances and equipment necessary or desirable in connection therewith or incidental thereto and (ii) *any personal property at the institutions.*

(f) "To erect" or "erection" shall include building, constructing, reconstructing, erecting, extending, bettering, equipping, and improving.

§ 23-17. Purposes of institutions to acquire and erect projects.

In addition to any other purposes provided by law or otherwise, the purpose of every institution shall be to *acquire and* erect any project as defined in § 23-15.

§ 23-19. Amount of bonds; purposes; resolutions; Treasury Board to be issuing, etc., agent; payment or purchase by institution; no personal liability.

(a) Every institution shall have power and is hereby authorized and empowered from time to time to execute its bonds in such aggregate principal amount as may be determined upon by its board and approved by the Governor. All such bonds shall be issued and sold through the Treasury Board which is hereby designated the issuing, sales, and paying agent of such institutions under this chapter. Such aggregate principal amount may include without limitation any engineering or inspection costs or legal or accounting expenses incurred by the institution in connection with the project for the erection of which such bonds are issued, and the cost of issuance of the bonds, including printing, engraving, advertising, legal and other similar expenses.

(b) Such bonds shall be authorized by resolution of the board, approved by the Governor, and may be issued in one or more series, shall bear such date or dates, mature at such time or times, bear interest at such rate not exceeding the rate specified in § 23-30.03 payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to

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HB789

60 such terms of redemption, with or without premium, as such resolution or resolutions may provide. Such
61 bonds may be sold at public or private sale for such price or prices as the board with the approval of
62 the Governor shall determine, provided that the interest cost to maturity of the money received for any
63 issue of such bonds shall not exceed the rate specified in § 23-30.03; however, prior to the issuance of
64 bonds to finance any "project," the approval of the General Assembly must be obtained; and provided
65 further, that biennially on or before the first day of September in the odd-numbered years, each
66 educational institution shall submit to the Governor any project or projects and the estimated cost of
67 each separate project such educational institution desires to have financed under the provisions of this
68 chapter, and the Governor shall consider such projects and make his recommendation to the General
69 Assembly in the budget submitted in accordance with the provisions of § 2.1-398. Each educational
70 institution is authorized to finance only those projects approved by the General Assembly in the
71 appropriations act for the biennium covered by such appropriations act, which projects need not be
72 limited to the projects recommended by the Governor.

73 (c) Such bonds may be issued *to finance all or a portion of the cost of any project and* for the
74 corporate purpose or purposes of the institution specified by § 23-17 hereof or to carry out the powers
75 conferred on the institution by § 23-18 hereof.

76 (d) Any resolution or resolutions authorizing such bonds may contain a provision or provisions which
77 shall be part of the contract with the holders of such bonds as to:

78 (1) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use,
79 occupation or services of the project and pledging the same and any increases in revenues to be derived
80 from any existing facilities at such institution resulting from any increase in the fees, rents or charges
81 for or in connection with the use, occupation or services of any such existing facilities to the payment of
82 the principal of and the interest on such bonds;

83 (2) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use,
84 occupation or services of any existing facilities at such institution and pledging the same to the payment
85 of the principal of and the interest on such bonds;

86 (3) Fixing, revising, charging and collecting student building fees and other student fees from
87 students enrolled at such institution and pledging the same in whole or in part to the payment of the
88 principal of and the interest on such bonds;

89 (4) Pledging to the payment of the principal of and the interest on such bonds any moneys available
90 for the use of such institution, including, but not limited to, and subject to guidelines to be promulgated
91 by the Secretary of Finance, moneys appropriated to such institution from the general fund of the
92 Commonwealth or from nongeneral funds, without regard to the source of such moneys, and which are
93 not required by law or by previous binding contract to be devoted to some other purpose;

94 (5) Paying the cost of operating and maintaining any project and any such existing facilities from
95 any one or more of the revenue sources mentioned in subdivisions (1), (2), (3) and (4) of this subsection
96 creating reserves for such purposes and providing for the use and application thereof;

97 (6) Creating sinking funds for the payment of the principal of and the interest on such bonds,
98 creating reserves for such purposes and providing for the use and application thereof;

99 (7) Limiting the right of the institution to restrict and regulate the use, occupation and services of the
100 project and such other existing facilities or the services rendered therein;

101 (8) Limiting the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be
102 issued may be applied;

103 (9) Limiting the issuance of additional bonds;

104 (10) Setting forth the procedure, if any, by which the terms of any contract with the holders of such
105 bonds may be amended or abrogated and the manner in which such consent of such holders to any such
106 amendment or abrogation may be given; and

107 (11) Setting forth such other condition or conditions as may be required by the United States of
108 America or any federal agency as a condition precedent to or a requirement in connection with the
109 obtaining of a direct grant or grants of money for or in aid of the erection of any project, or to defray
110 or to partially defray the cost of labor and material employed in the erection of any project, or to obtain
111 a loan or loans of money for or in aid of the erection of any project from the United States of America
112 or any federal agency, provided that such other condition or conditions are approved by the Governor.

113 (e) The power and obligation of an institution to pay any bonds issued under this chapter shall be
114 limited. Such bonds shall be payable only from any one or more of the revenue sources mentioned in
115 subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged therefor pursuant to a
116 resolution adopted under said subsection (d). Such bonds shall in no event constitute an indebtedness of
117 the institution, except to the extent of the collection of such revenues and such institution shall not be
118 liable to pay such bonds or the interest thereon from any other funds; and no contract entered into by
119 the institution pursuant to subsection (b) of this section shall be construed to require the costs or
120 expenses of operation and maintenance of the project for the erection of which the bonds are issued and
121 any such other existing facilities to be paid out of any funds other than the revenues derived from the

sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged therefor. Any provision of the general laws to the contrary notwithstanding, any bonds issued pursuant to the authority of this chapter shall be fully negotiable within the meaning and for all the purposes of Title 8.3.

(f) Neither the Governor nor the members of the board nor any person executing such bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(g) The institution shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest. All bonds so purchased shall be cancelled unless purchased as an endowment fund investment. This paragraph shall not apply to the redemption of bonds.

(h) In any case in which an institution shall have obtained a loan for or in aid of the erection of any project from the United States of America or any federal agency, which loan requires the establishment of a debt service reserve, the institution, with the consent of the Governor, may deposit securities in a separate collateral account in an amount equal to the required debt service reserve, which securities shall be pledged to meet the debt service requirements only if the revenues derived from any one or more of the sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged for the payment of such loan become insufficient for such purpose. The face value of United States government securities and the market value of all other securities shall be deemed to be the value of any securities so deposited. Nothing herein shall be construed as prohibiting repayment of any portion of such loan from income derived from the securities so deposited. No securities shall be deposited in any such collateral account unless the same shall have been purchased with funds, the use of which is in nowise limited or restricted or shall have been donated to such institution for the purpose of establishing such debt service reserve.

§ 23-30.24. Legislative declaration; definitions.

It is hereby found, determined and declared that the providing of funds for the construction of projects of capital improvement at educational institutions within this Commonwealth is or may be hindered, impeded and delayed by the high financing costs resulting from the sale of bonds of such educational institutions in the open market, and it is desirable that a state agency be created as hereinafter provided, authorized *either (i) to purchase such bonds in order to serve educational institution purposes by financing the construction of projects of capital improvement at less cost, thereby facilitating such construction or (ii) to issue its own revenue bonds for purposes of paying for the costs of such projects.*

It is hereby further found, determined and declared that there is an urgent need to provide substantial amounts of new scientific, technical and other equipment for teaching, research and related activities at such educational institutions so that they may remain competitive in attracting high-quality faculty and obtaining research grants, and it is desirable that a state agency be empowered, as hereinafter provided, to purchase such equipment for lease or sale to such educational institutions in order to provide them with such equipment at the lowest possible cost, thereby facilitating the acquisition and supply of such equipment to educational institutions and increasing the purchasing power of their funds, including funds provided by tuition and fees and by appropriations from the General Assembly.

As used in this chapter, the following words and terms shall have the following meanings unless the context shall otherwise indicate:

"Authority" shall mean the Virginia College Building Authority created by § 23-30.25, or, if said Authority shall be abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter to the Authority shall be given by law.

"Bonds" shall mean bonds, notes or other evidences of indebtedness or other obligations of the Authority pursuant to this chapter.

"Educational institution" shall mean those institutions enumerated in § 23-14, area vocational and technical schools established under Chapter 16 (§ 23-214 et seq.) of this title, and all other schools owned and operated by the Commonwealth in which a college education is taught for less than four years.

"Equipment" shall mean any personal property, including, but without limitation, computer hardware and software and any other improvements of all types, to be used to support academic instruction and research, at educational institutions.

"Project" shall have the same meaning as defined in § 23-15.

§ 23-30.26. Administration of assets, moneys or obligations.

The Authority shall manage and administer as hereinafter provided all assets, moneys or obligations that may be set aside and transferred to it by the General Assembly *or educational institutions.*

§ 23-30.28. Bonds of Authority generally.

183 In order to provide funds for the purchase of educational institution bonds as authorized by
184 § 23-30.27, ~~and~~ to provide funds for the acquisition of equipment as authorized by § 23-30.27:1, ~~and to~~
185 ~~provide funds for the purpose of paying all or any part of the cost of any one or more projects or of~~
186 ~~any portion or portions thereof,~~ the Authority is hereby authorized to provide by resolution, at one time
187 or from time to time, for the issuance of bonds of the Authority in such amount or amounts as the
188 Authority shall determine. Such bonds of the Authority shall be payable solely from funds of the
189 Authority, including, but without limitation, any one or more of the following: (i) payments of principal
190 of and interest on educational institution bonds purchased by the Authority, (ii) the proceeds of the sale
191 of any such educational institution bonds, (iii) payments of principal of and interest on obligations
192 transferred to the Authority by the General Assembly or from other assets or moneys transferred to the
193 Authority by the General Assembly *or educational institutions, including lease payments or any other*
194 *source of revenue,* (iv) the proceeds of the sale of any such obligations or assets, (v) the proceeds from
195 the sale of bonds of the Authority, (vi) payments made by educational institutions under leases or sales
196 of equipment by the Authority, (vii) funds realized from the enforcement of security interests or other
197 liens securing such bonds, (viii) payments due under letters of credit, policies of bond insurance, bond
198 purchase agreements or other credit enhancements securing payment of principal of and interest on
199 bonds of the Authority, (ix) any moneys held in funds established by the Authority pursuant to
200 § 23-30.27:1, (x) any reserve or sinking funds created to secure such payment, and (xi) other available
201 funds of the Authority. Bonds of the Authority issued under the provisions of this chapter shall not be
202 deemed to constitute a debt of the Commonwealth or a pledge of the faith or credit of the
203 Commonwealth and all bonds of the Authority shall contain on the face thereof a statement to the effect
204 that neither the faith and credit, nor the taxing power of the Commonwealth or of any political
205 subdivision thereof is, or shall be, pledged to the payment of the principal of or the interest on such
206 bonds.

207 The bonds of each issue shall be dated, shall mature at such time or times, not exceeding forty years
208 from their date or dates, as may be determined by the Authority, and may be made redeemable before
209 maturity, at the option of the Authority, at such price or prices and under such terms and conditions as
210 may be fixed by the Authority prior to the issuance of the bonds. The bonds may bear interest payable
211 at such time or times and at such rate or rates as determined by the Authority or as determined in such
212 manner as the Authority may provide, including the determination by agents designated by the Authority
213 under guidelines established by it. The principal and interest of such bonds may be made payable in any
214 lawful medium. The Authority shall determine the form of the bonds, including any interest coupons to
215 be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or
216 denominations of the bonds and the place or places of payment of principal and interest thereof, which
217 may be at the office of the State Treasurer or at any bank or trust company within or without the
218 Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on
219 any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature or
220 such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained
221 in office until such delivery. All revenue bonds issued under the provisions of this chapter (other than
222 bonds registered as to principal or in registered form) shall have and are hereby declared to have, as
223 between successive holders, all the qualities and incidents of negotiable instruments under the law of
224 this Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Authority
225 may determine, and provisions may be made for the registration of any coupon bonds as to principal
226 alone and of registered bonds as to both principal and interest, and for the reconversion of any bonds
227 registered as to both principal and interest into coupon bonds and for the exchange of either coupon
228 bonds or registered bonds without coupons for an equal aggregate principal amount of other coupon
229 bonds or registered bonds without coupons or both of any denomination or denominations. The
230 Authority may sell such bonds in such manner, either at public or private sale, and for such price as it
231 may determine to be for the best interests of the Authority. The proceeds of such bonds shall be
232 disbursed for the purposes for which such bonds shall have been issued under such restrictions, if any,
233 as the resolution authorizing the issuance of such bonds or the trust indenture hereinafter mentioned may
234 provide. Prior to the preparation of definitive bonds, the Authority may under like restrictions issue
235 temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall
236 have been executed and are available for delivery. The Authority may also provide for the replacement
237 of any bond which shall become mutilated or shall be destroyed or lost. Such revenue bonds may be
238 issued without any other proceedings or the happening of any other conditions or things than the
239 proceedings, conditions, and things which are specified and required by this chapter.

240 Neither the members of the Authority nor any person executing any bonds issued under the
241 provisions of this chapter shall be liable personally on such bonds or be subject to any personal liability
242 or accountability by reason of the issuance thereof.

243 The aggregate principal amount of bonds issued to finance acquisition of equipment pursuant to
244 § 23-30.27:1 shall not exceed \$150 million.

No project for an institution listed in § 23-14 shall be undertaken by the Authority if such project was not specifically included in a bill passed by a majority of those elected to each house of the General Assembly, authorizing such project or projects. In addition, any such project shall have been designated by the institution's board of visitors as a project to be undertaken by the Authority.

§ 23-30.29. Security for bonds.

In the discretion of the Authority, any bonds issued under the provisions of this chapter may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this Commonwealth. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign all or any part of the funds of the Authority available for such purpose, including, but without limitation, (i) payments of principal of and interest on educational institution bonds purchased by the Authority, (ii) the proceeds of the sale of any such educational institution bonds, (iii) payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments and other sources of revenue, (iv) the proceeds of the sale of any such obligations or assets, (v) the proceeds from the sale of bonds of the Authority, (vi) security interests granted by the Authority or any educational institution in, or other liens on, equipment, whether such equipment has been leased or sold to an educational institution, (vii) all or any part of the payments due the Authority from educational institutions under any leases, sale agreements, loans or other agreements made by the Authority with the educational institutions pursuant to § 23-30.27:1, and any funds realized from enforcing security for such payments, (viii) payments due under policies of bond insurance, letters of credit or other credit enhancement securing payment of principal of and interest on bonds of the Authority, (ix) any moneys in any, or all of the funds as the Authority may from time to time establish pursuant to § 23-30.27:1, (x) any reserve or sinking funds created by the Authority to secure such bonds, and (xi) other available funds of the Authority. Such trust indenture or resolution may also pledge or assign any other rights of the Authority in equipment owned by, or leases or sales of equipment made by, the Authority. Such trust indenture or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law. Such trust indenture or resolution providing for the issuance of such bonds may provide for the creation and maintenance of such reserves as the Authority shall determine to be proper, and may include covenants setting forth the duties of the Authority in relation to the acquisition of any equipment or educational institution bonds; the care, leasing or sale of equipment to educational institutions; the substitution of any educational institution bonds, equipment, leases, security interest or other security as security for the payment of the bonds of the Authority; care, use and insurance of equipment; the repossession and sale of leased or sold equipment by the Authority or the trustee under any trust indenture upon any default under the lease or sale of such equipment; and the collection of payments due the Authority under leases or agreements of sale of equipment and payments of principal and interest on any educational institution bonds and on any obligations or other assets held by the Authority. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture may set forth the rights and remedies of the bondholders and the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust indenture or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or resolution may be treated as a part of the administration costs of the Authority. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority.

§ 23-30.29.1. Reserve fund; limitations.

A. If the Authority deems it proper to create a reserve fund or funds from bond proceeds or other funds of the Authority to support an issuance of bonds in accordance with the provisions of this section, all moneys held in such reserve fund, except as hereinafter provided, shall be pledged solely for the payment of the principal and interest on the bonds secured in whole or in part by such a fund. Any income or interest earned on, or increment to, any reserve fund may be transferred by the Authority to other funds or accounts of the Authority to the extent it does not reduce the amount of the reserve fund below its minimum requirement.

B. The Authority shall not at any time issue bonds secured in whole or in part by any reserve fund referred to in subsection C if, upon the issuance of the bonds, the amount in the reserve fund will be less than its minimum requirement unless the Authority, at the time of the issuance of the bonds, deposits in the fund an amount which, together with the amount then in the fund, will not be less than the fund's minimum reserve requirement.

C. In order to assure further the maintenance of reserve funds established in accordance with the provisions of this section, the chairman of the Authority shall annually, on or before November 15, make and deliver to the Governor and the Secretary of Finance a certificate stating the sum, if any, required to restore each reserve fund to its minimum requirement. The Governor shall submit to the presiding officer of each house of the General Assembly printed copies of a budget including the sum, if any, required to restore each reserve fund to its minimum requirement; such submission shall be made at the time the Governor presents his budget and budget bill to the General Assembly pursuant to §§ 2.1-398 and 2.1-399. All sums, if any, which may be appropriated by the General Assembly for any restoration and paid to the Authority shall be deposited by the Authority in the applicable reserve fund. All amounts paid to the Authority by the Commonwealth pursuant to the provisions of this section shall constitute and be accounted for as advances by the Commonwealth to the Authority and, subject to the rights of the holders of any bonds of the Authority, shall be repaid to the Commonwealth without interest from available revenues of the Authority in excess of the amounts required for the payment of bonds or other obligations of the Authority, the maintenance of reserve funds, and operating expenses.

D. The total principal amount of bonds outstanding at any one time, secured by a reserve fund in accordance with the provisions of this section, shall not exceed the sum of \$300 million without the prior approval of the General Assembly.

E. Nothing in this section shall be construed as limiting the power of the Authority to issue bonds (i) not secured by a reserve fund or (ii) secured by a reserve fund not described in this section.

§ 23-30.29.2. Educational institutions' pledge of tuition, fees, etc.

In order to provide funds for the repayment of bonds issued by the Authority either (i) for the purchase of any educational institutions' bonds or (ii) to provide funds for the purpose of paying all or any part of the cost of any one or more projects or of any portion or portions thereof, each educational institution is hereby authorized to agree to transfer to the Authority all or a part of such educational institution's tuition receipts, student fees, other charges, revenues from sales and services, auxiliary funds and enterprise funds, to the extent they are not otherwise pledged contractually. Any agreement related to such transfer may contain other provisions the Authority and educational institutions deem reasonable and proper and not in violation of law. Any such agreement shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Neither the full faith and credit of the Commonwealth, nor the taxing power of the Commonwealth or of any political subdivision thereof, is or shall be pledged to the payment of the principal and interest on bonds so secured by such agreement. Prior to execution, any such agreement shall be approved by (i) the Secretary of Finance and (ii) the Secretary of Education.

§ 23-30.31. Powers of Authority.

In order to enable the Authority to carry out the purposes for which it is established the Authority is vested with the powers of a public body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same, and is authorized and empowered:

(a) To have perpetual succession as a public body corporate, and to adopt bylaws and regulations for the conduct of its affairs;

(b) To maintain an office at such place or places as it may designate;

(c) To collect, or to authorize the trustee under any trust indenture securing any bonds of the Authority to collect, as the same shall become due, (i) the principal of and the interest on all obligations transferred to the Authority by the General Assembly and (ii) other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments and other sources of revenue;

(c1) To conduct a program of purchasing equipment for lease or sale to educational institutions as authorized by this chapter;

(d) To collect, or to authorize the trustee under any trust indenture securing any bonds of the Authority to collect, as the same shall become due, payments due under leases or agreements of sale of equipment or leases of real property by the Authority to educational institutions, and the principal of and the interest on all educational institution bonds purchased by the Authority;

(d1) To repossess and sell, or to authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and sell, any equipment upon any default under the lease or agreement for the sale of such equipment;

(d2) To repossess and re-lease, or to authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and re-lease, any project upon any default under the lease of such project;

(d3) To assist educational institutions in applying for grants from, or entering into other agreements with, the federal or state government or foundations or others designed to provide guarantees of or funds for payments under leases or contracts of sale or other benefits and to enter into similar agreements with such entities itself;

(e) To select in such manner as it deems fit, and to appoint and employ financial experts, corporate

depositories, trustees, paying agents, attorneys, accountants, consulting engineers, construction experts and for such other services as may be necessary in the judgment of the Authority, and to pay their compensation and reasonable expenses either from moneys received by the Authority under the provisions of this chapter, or from appropriations made by the General Assembly for such purposes;

(f) To issue bonds of the Authority as authorized by this chapter, and to refund any of such bonds;

(g) To receive and accept any grants, aid or contributions from any source of either money, property, labor or other things of value, or to reject the same in the judgment of the Authority; and

(h) To do any and all other acts and things necessary, appropriate, incidental or convenient to carrying out the powers expressly granted in this chapter.

2. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes the Virginia College Building Authority to undertake the following projects including, without limitation, constructing, improving, furnishing, maintaining, acquiring and renovating buildings, facilities, improvements and land therefor, to exercise any and all powers granted to it by law in connection therewith, including the power to lease such projects to institutions of higher education of the Commonwealth, and to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$111,245,000 plus amounts needed to fund issuance costs, reserve funds, interest prior to and during acquisition, construction or renovation and for one year after completion thereof, and other financing expenses. The Authority may pay all or any part of the cost of any project hereinafter listed or authorized or any portion thereof with any income and reserve funds of the Authority available for such purpose, and in such case may transfer such funds of the Authority, with or without a property interest in such projects, as determined by the Authority, with the approval of the Governor. Projects authorized herein may be referred to as the "21st Century College Trust Fund."

FacilityProject Cost

George Mason University, Prince

William Institute, Phase II\$ 12,000,000

Old Dominion University, Teletechnet

Center and Network\$ 12,600,000

James Madison University, College ofIntegrated Science and Technology

Phase II\$ 25,000,000

Mary Washington College, StaffordCampus\$ 8,245,000

Radford University, College ofGlobal Studies, Phase II\$ 10,700,000

Virginia Community College System,

Midlothian Campus, John Tyler\$ 22,000,000

Virginia Community College System,

Downtown Norfolk Campus, Tidewater\$ 20,700,000

Total \$111,245,000