
VIRGINIA STATE BUDGET

1997 Session

Budget Bill - SB700 (Introduced)

Bill Order » Part 4: General Provisions » Item 4-5.08

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§ 4-5.08 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.1-39.1, Code of Virginia.

b. Notwithstanding the provisions of Item 266 B. of this act, to evaluate the potential for reduction in the time and cost of developing and managing nongeneral fund capital outlay projects, the University of Virginia, Virginia Polytechnic Institute and State University, the College of William and Mary, Christopher Newport University and Radford University are authorized to enter into a two-year pilot project by which each named institution shall be delegated all post-appropriation review, approval, administrative and policy and procedure functions performed by the Department of Planning and Budget, Department of General Services and the Division of Engineering and Buildings. Delegation of authority under this pilot project is subject to the following stipulations and conditions:

1. This delegation is limited to nongeneral fund projects;
2. The Board of Visitors of each institution shall develop policies, procedures and guidelines for their nongeneral fund capital projects which shall be approved by the Secretaries of Finance and Administration;
3. The system developed for nongeneral fund projects shall ensure that the cost of any such capital project does not exceed the sum appropriated therefor and that the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the post-appropriation review, approval, administrative, and policy and procedure functions of the Department of Planning and Budget, Department of General Services and the Division of Engineering and Buildings, except as excluded in paragraph b.5. below;
4. The institution shall report to the Department of General Services on the status of any capital project prior to the commencement of construction and at the time of acceptance of any such capital project; and
5. The Department of General Services, acting through the Division of Engineering and Buildings, shall continue to function as State Building Official pursuant to § 36-98.1 of the Code of Virginia for all capital outlay projects. Nothing in this section shall be deemed to relieve the institution of any reporting requirements pursuant to § 2.1-403 and § 2.1-404 of the Code of Virginia. By September 1, 1996, the Secretaries of Finance and Administration shall approve the policies, procedures and guidelines developed by the Board of Visitors of each named institution. These policies, procedures, and guidelines shall remain in effect for a period of two years thereafter. During this period, the Secretaries of Finance and Administration shall evaluate the institutions' management of their capital outlay programs and report their findings and recommendations to the Governor and General Assembly prior to the Session next convened following completion of the two-year pilot program.

c. To evaluate the potential for reduction in the time and cost of processing real property leases, the University of Virginia, Virginia Polytechnic Institute and State University, the College of William and Mary, Christopher Newport University and Radford University are authorized to enter into a pilot project by which each named institution shall be delegated the authorities of the Department of General Services and the Governor provided in §

2.1-504.2 of the Code of Virginia. Delegation of authority under this pilot project is subject to the following stipulations and conditions:

1. This delegation is limited to operating leases and excludes capital leases as defined in Generally Accepted Accounting Principles (GAAP);
 2. The Board of Visitors of each institution shall develop policies, procedures, and guidelines which shall be approved by the Secretaries of Finance and Administration; and
 3. The form of the lease shall be approved by the Attorney General or his designee; and the lease otherwise meets all requirements of law and the leased property is certified for occupancy by the building official of the county or municipality in which the leased property is located. By September 1, 1996, the Secretaries of Finance and Administration shall approve the policies, procedures and guidelines developed by the Board of Visitors of each named institution. These policies, procedures, and guidelines shall remain in effect for a period of two years thereafter. During this period, the Secretaries of Finance and Administration shall evaluate the institutions' management of their leasing programs and report the findings and recommendations to the Governor and General Assembly prior to the Session next convened following completion of the two-year project.
- d. Any nongeneral fund project developed by the University of Virginia, Virginia Polytechnic Institute and State University, or the College of William and Mary, with an estimated cost of \$500,000 or less, shall be exempt from the capital outlay review and approval process.
- e. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.