
VIRGINIA STATE BUDGET

2000 Session

Budget Bill - HB29 (Chapter 1072)

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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.1. The provisions of § 4-5.08 b of Chapter 912 of the Acts of Assembly of 1996, pertaining to pilot programs for capital outlay projects in selected institutions of higher education, are hereby continued until June 30, 2000. As required by the cited section, the Secretaries of Administration and Finance shall report to the 1999 Session of the General Assembly on the pilot programs terminating on September 1, 1998. The Secretaries shall report to the 2000 and 2001 Sessions of the General Assembly on pilot programs in additional institutions of higher education which they may authorize under this section. The evaluation of the institutions' management of the capital outlay pilot projects by the Secretaries of Administration and Finance and the House Appropriations and Senate Finance Committees shall begin on September 1, 1998. The pilot program shall be expanded to include Old Dominion University.
2. Notwithstanding the provisions of § 11-55, Code of Virginia, no approval of the Governor shall be required for contract modifications as specified therein for the pilot programs of the selected institutions of higher education referenced in paragraph 1, provided that contract modifications of such projects, including construction and architectural and engineering change orders, shall be approved by the Boards of Visitors, which may further delegate this authority to the President, a Vice President, or the individual responsible for facilities design and construction matters at the selected institution of higher education to act on its behalf.
3. The selected institutions are hereby granted a waiver until June 30, 2000, from the provisions of § 11-37, Competitive Negotiation, paragraph 3 a, Code of Virginia, regarding the not to exceed amount for a single project, the not to exceed sum of all projects performed, and the option to renew for an additional term, contingent upon the enactment of legislation in the 1999 Session of the General Assembly to amend § 11-37 accordingly.
- c. The provisions of § 4-5.08 c of Chapter 912 of the Acts of Assembly of 1996 pertaining to pilot programs for real property leases in selected institutions of higher education are hereby continued until June 30, 2000. As required by the cited section, the Secretaries of Administration and Finance shall report to the 1999 Session of the General Assembly on the pilot programs terminating on September 1, 1998. The Secretaries shall report to the 2000 and 2001 Sessions of the General Assembly on pilot programs in additional institutions of higher education which they may authorize under this section. The evaluation of the institutions' management of the real property lease pilot projects by the Secretaries of Administration and Finance and the House Appropriations and Senate Finance Committees shall begin on September 1, 1998. The pilot program shall be expanded to include Old Dominion University.
- 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.

f. Virginia Commonwealth University is hereby delegated the authorities of the Department of General Services and the Governor provided in §§ 2.1-504.2 and 23-4.1 of the Code of Virginia to enter into leases with the Medical College of Virginia Hospitals Authority for space within the facilities which are the subject of the Master Lease between the University and the Authority dated June 10, 1997. This delegation of authority is subject to the following stipulations and conditions:

1. It is limited to operating leases and excludes capital leases as defined by Generally Accepted Accounting Principles (GAAP);

2. The Board of Visitors of Virginia Commonwealth University 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 August 1, 1998, the Secretaries of Finance and Administration shall approve the policies, procedures, and guidelines developed by the Board of Visitors of Virginia Commonwealth University.

g. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract for a pilot program with Homeowner Associations with a population greater than 35,000 for groundskeeping, mowing, and litter removal services.