WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

ENROLLED

House Bill No. 4553
(By Delegates Michael and Givens)

Passed March 4, 2002
In Effect from Passage
AN ACT to amend and reenact section three, article one-b, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section seven, article twenty-nine-a of said chapter; and to amend and reenact section nine-a, article twenty-two, chapter twenty-nine of said code, all relating to bonds and expenditures for veterans nursing facilities; and creating a special revenue account for the payment of architectural and associated costs for the veterans nursing home.

Be it enacted by the Legislature of West Virginia:

That section three, article one-b, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section seven, article twenty-nine-a of said chapter be amended and reenacted; and that section nine-a, article twenty-two, chapter twenty-nine of said code be amended and reenacted, all to read as follows:
CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1B. SKILLED NURSING FACILITIES FOR VETERANS OF THE UNITED STATES ARMED FORCES.

§16-1B-3. Issuance of bonds by the hospital finance authority; payment of bonds from net profits of the veterans lottery instant scratch-off game.

The director shall request that revenue bonds, not exceeding the principal amount of ten million dollars, be issued by the West Virginia hospital finance authority under provisions of section seven, article twenty-nine-a of this chapter. Net profit from the veterans lottery instant scratch-off game as authorized by section nine-a, article twenty-two, chapter twenty-nine of this code and other revenues that the Legislature may from time to time appropriate shall pay the principal and interest obligations of the bonds and the architectural and other project costs associated with the construction, reconstruction, renovation and maintenance of one or more skilled nursing facilities that will only serve the skilled nursing needs of West Virginia veterans who have performed active duty in an active component of the armed forces or performed active service in a reserve component of the armed forces.

ARTICLE 29A. WEST VIRGINIA HOSPITAL FINANCE AUTHORITY ACT.


(a) The authority periodically may issue its negotiable bonds and notes in a principal amount which, in the opinion of the authority, shall be necessary to provide sufficient funds for the making of hospital loans, including temporary loans during the construction of hospital facilities, for the payment of interest on bonds and notes of the authority during construction of hospital facilities for which the hospital loan was made and
for a reasonable time thereafter and for the establishment of
reserves to secure those bonds and notes.

(b) The authority periodically may issue renewal notes, may
issue bonds to pay notes and, if it considers refunding expedi-
ent, to refund or to refund in advance bonds or notes issued by
the authority by the issuance of new bonds pursuant to the
requirements of section thirteen of this article.

c) The authority may, upon concurrent resolution passed
by the Legislature, authorize the issuance of negotiable bonds
and notes in a principal amount which are necessary to provide
sufficient funds for the construction, reconstruction, renovation
and maintenance of one or more skilled nursing facilities that
will only serve the skilled nursing needs of West Virginia
veterans who have performed active duty in an active compo-
nent of the armed forces or performed active service in a
reserve component of the armed forces. These bonds issued by
the authority may not exceed ten million dollars. The revenues
pledged for the repayment of principal and interest of these
bonds shall include the net profit of the veterans instant lottery
scratch-off game authorized by section nine-a, article
twenty-two, chapter twenty-nine of this code excluding all
architectural fees and associated project costs transferred
pursuant to that section.

d) Except as may otherwise be expressly provided by the
authority, every issue of its notes or bonds shall be special
obligations of the authority, payable solely from the property,
revenues or other sources of or available to the authority
pledges therefor.

e) The bonds and the notes shall be authorized by resolu-
tion of the authority, shall bear the date and shall mature at time
or times, in the case of any such note or any renewals thereof,
not exceeding seven years from the date of issue of the original
note and in the case of any bond not exceeding fifty years from
the date of issue, as the resolution may provide. The bonds and
notes shall bear interest at rate or rates, be in a denomination,
be in a form, either coupon or registered, carry registration
privileges, be payable in the medium of payment and at place
or places and be subject to the terms of redemption as the
authority may authorize. The bonds and notes of the authority
may be sold by the authority, at public or private sale, at or not
less than the price the authority determines. The bonds and
notes are executed by the chairman and vice chairman of the
board, both of whom may use facsimile signatures. The official
seal of the authority or a facsimile thereof shall be affixed to or
printed on each bond and note and attested, manually or by
facsimile signature, by the secretary-treasurer of the board, and
any coupons attached to any bond or note shall bear the
signature or facsimile signature of the chairman of the board. In
case any officer whose signature, or a facsimile of whose
signature, appears on any bonds, notes or coupons ceases to be
an officer before delivery of the bonds or notes, the signature or
facsimile is nevertheless sufficient for all purposes the same as
if he or she had remained in office until the delivery; and, in
case the seal of the authority has been changed after a facsimile
has been imprinted on the bonds or notes, the facsimile seal will
continue to be sufficient for all purposes.

(f) A resolution authorizing bonds or notes or an issue of
bonds or notes under this article may contain provisions, which
are a part of the contract with the holders of the bonds or notes,
as to any or all of the following:

(1) Pledging and creating a lien on all or any part of the fees
and charges made or received or to be received by the authority,
all or any part of the moneys received in payment of hospital
loans and interest on hospital loans and all or any part of other
moneys received or to be received, to secure the payment of the
bonds or notes or of any issue of bonds or notes, subject to
those agreements with bondholders or note holders which then exist;

(2) Pledging and creating a lien on all or any part of the assets of the authority, including notes, deeds of trust and obligations securing the assets, to secure the payment of the bonds or notes or of any issue of bonds or notes, subject to those agreements with bondholders or note holders which then exist;

(3) Pledging and creating a lien on any loan, grant or contribution to be received from the federal, state or local government or other source;

(4) The use and disposition of the income from hospital loans owned by the authority and payment of the principal of and interest on hospital loans owned by the authority;

(5) The setting aside of reserves or sinking funds and the regulation and disposition thereof;

(6) Limitations on the purpose to which the proceeds of sale of bonds or notes may be applied and pledging the proceeds to secure the payment of the bonds or notes or of any issue of the bonds or notes;

(7) Limitations on the issuance of additional bonds or notes and the terms upon which additional bonds or notes may be issued and secured;

(8) The procedure by which the terms of a contract with the bondholders or note holders may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto and the manner in which the consent may be given; and
(9) Vesting in a trustee or trustees the property, rights, powers, remedies and duties which the authority considers necessary or convenient.

CHAPTER 29. MISCELLANEOUS
BOARDS AND OFFICERS.

ARTICLE 22. STATE LOTTERY ACT.

§29-22-9a. Veterans instant lottery scratch-off game.

(a) Beginning the first day of September, two thousand, the commission shall establish an instant lottery scratch-off game designated as the veterans benefit game, which is offered by the lottery.

(b) Notwithstanding the provisions of section eighteen of this article, and subject to the provisions of subsection (c) of this section, all net profits received from the sale of veterans benefit game lottery tickets, materials and games are deposited with the state treasurer into the veterans lottery fund created under this section, and upon the effective date of the enactment of this section in two thousand two, the Legislature may make appropriations from this fund for architectural and other project costs associated with construction, and for payment of principal and interest for revenue bonds issued under provisions of section seven, article twenty-nine-a, chapter sixteen of this code: Provided, That once the payment of the principal and interest and architectural and other project costs associated with construction are paid in full for the construction of the initial veterans skilled nursing facility, the Legislature may appropriate from the fund created under this section moneys for the construction, including the architectural fees and other associated costs, equipping and operation of additional skilled nursing facilities for veterans of the armed forces of the United States military: Provided, however, That after the payment of the
above-mentioned items, the Legislature may appropriate any
excess funds to the general revenue fund.

(c) Before appropriation of any of the net profits derived
from the veterans benefit game for the uses set forth in this
section, the Legislature shall first determine that the state has
met all debt obligations for which lottery profits have been
pledged for that fiscal year.

(d) There is hereby created in the state treasury a special
revenue fund designated and known as the veterans lottery fund
which shall consist of all revenues derived from the veterans
benefit game, any appropriations to the fund by the Legislature
and all interest earned from investment of the fund and any
gifts, grants or contributions received by the fund. Revenues
received by the veterans lottery fund shall be deposited in the
West Virginia consolidated investment pool with the West
Virginia investment management board, with the interest
income a proper credit to all these funds.

(e) There is hereby created in the state treasury a special
revenue fund designated and known as the veterans nursing
home fund which shall consist of all funds for the architectural
and other project costs related to the construction of the vet-
eran’s nursing home. These funds shall be transferred from the
veterans lottery fund to the veterans nursing home fund upon
written request of the director of the division of veterans affairs
to the investment management board and the state treasurer.
Following the selection of the architect, the director shall
certify the estimated total cost of the architect and associated
costs to the joint committee on government and finance prior to
the transfer of funds. If funds transferred exceed the estimated
costs certified to the joint committee, the director shall certify
the additional costs to the joint committee.
(f) The commission shall change the design or theme of the veterans benefit game regularly so that the game remains competitive with the other instant lottery scratch-off games offered by the commission. The tickets for the instant lottery game created in this section shall clearly state that the profits derived from the game are being used to benefit veterans in this state.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill was approved this the 12th day of March, 2002.

Governor
PRESENTED TO THE
GOVERNOR
Date: 3/6/02
Time: 10:10 AM