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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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H. B. 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.

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

ARTICLE 29A. WEST VIRGINIA HOSPITAL FINANCE AUTHORITY ACT.

§16-29A-7. Bonds and notes.

1 (a) The authority periodically may issue its negotiable
2 bonds and notes in a principal amount which, in the opinion of
3 the authority, shall be necessary to provide sufficient funds for
4 the making of hospital loans, including temporary loans during
5 the construction of hospital facilities, for the payment of
6 interest on bonds and notes of the authority during construction
7 of hospital facilities for which the hospital loan was made and

8 for a reasonable time thereafter and for the establishment of
9 reserves to secure those bonds and notes.

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

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

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

36 (e) The bonds and the notes shall be authorized by resolu-
37 tion of the authority, shall bear the date and shall mature at time
38 or times, in the case of any such note or any renewals thereof,
39 not exceeding seven years from the date of issue of the original

40 note and in the case of any bond not exceeding fifty years from
41 the date of issue, as the resolution may provide. The bonds and
42 notes shall bear interest at rate or rates, be in a denomination,
43 be in a form, either coupon or registered, carry registration
44 privileges, be payable in the medium of payment and at place
45 or places and be subject to the terms of redemption as the
46 authority may authorize. The bonds and notes of the authority
47 may be sold by the authority, at public or private sale, at or not
48 less than the price the authority determines. The bonds and
49 notes are executed by the chairman and vice chairman of the
50 board, both of whom may use facsimile signatures. The official
51 seal of the authority or a facsimile thereof shall be affixed to or
52 printed on each bond and note and attested, manually or by
53 facsimile signature, by the secretary-treasurer of the board, and
54 any coupons attached to any bond or note shall bear the
55 signature or facsimile signature of the chairman of the board. In
56 case any officer whose signature, or a facsimile of whose
57 signature, appears on any bonds, notes or coupons ceases to be
58 an officer before delivery of the bonds or notes, the signature or
59 facsimile is nevertheless sufficient for all purposes the same as
60 if he or she had remained in office until the delivery; and, in
61 case the seal of the authority has been changed after a facsimile
62 has been imprinted on the bonds or notes, the facsimile seal will
63 continue to be sufficient for all purposes.

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

68 (1) Pledging and creating a lien on all or any part of the fees
69 and charges made or received or to be received by the authority,
70 all or any part of the moneys received in payment of hospital
71 loans and interest on hospital loans and all or any part of other
72 moneys received or to be received, to secure the payment of the
73 bonds or notes or of any issue of bonds or notes, subject to

74 those agreements with bondholders or noteholders which then
75 exist;

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

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

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

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

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

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

97 (8) The procedure by which the terms of a contract with the
98 bondholders or noteholders may be amended or abrogated, the
99 amount of bonds or notes the holders of which must consent
100 thereto and the manner in which the consent may be given; and

101 (9) Vesting in a trustee or trustees the property, rights,
102 powers, remedies and duties which the authority considers
103 necessary or convenient.

**CHAPTER 29. MISCELLANEOUS
BOARDS AND OFFICERS.**

ARTICLE 22. STATE LOTTERY ACT.

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

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

5 (b) Notwithstanding the provisions of section eighteen of
6 this article, and subject to the provisions of subsection (c) of
7 this section, all net profits received from the sale of veterans
8 benefit game lottery tickets, materials and games are deposited
9 with the state treasurer into the veterans lottery fund created
10 under this section, and upon the effective date of the enactment
11 of this section in two thousand two, the Legislature may make
12 appropriations from this fund for architectural and other project
13 costs associated with construction, and for payment of principal
14 and interest for revenue bonds issued under provisions of
15 section seven, article twenty-nine-a, chapter sixteen of this
16 code: *Provided*, That once the payment of the principal and
17 interest and architectural and other project costs associated with
18 construction are paid in full for the construction of the initial
19 veterans skilled nursing facility, the Legislature may appropri-
20 ate from the fund created under this section moneys for the
21 construction, including the architectural fees and other associ-
22 ated costs, equipping and operation of additional skilled nursing
23 facilities for veterans of the armed forces of the United States
24 military: *Provided, however*, That after the payment of the

25 above-mentioned items, the Legislature may appropriate any
26 excess funds to the general revenue fund.

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

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

42 (e) There is hereby created in the state treasury a special
43 revenue fund designated and known as the veterans nursing
44 home fund which shall consist of all funds for the architectural
45 and other project costs related to the construction of the vet-
46 eran's nursing home. These funds shall be transferred from the
47 veterans lottery fund to the veterans nursing home fund upon
48 written request of the director of the division of veterans affairs
49 to the investment management board and the state treasurer.
50 Following the selection of the architect, the director shall
51 certify the estimated total cost of the architect and associated
52 costs to the joint committee on government and finance prior to
53 the transfer of funds. If funds transferred exceed the estimated
54 costs certified to the joint committee, the director shall certify
55 the additional costs to the joint committee.

56 (f) The commission shall change the design or theme of the
57 veterans benefit game regularly so that the game remains
58 competitive with the other instant lottery scratch-off games
59 offered by the commission. The tickets for the instant lottery
60 game created in this section shall clearly state that the profits
61 derived from the game are being used to benefit veterans in this
62 state.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten signature]

Chairman Senate Committee

[Handwritten signature]

Chairman House Committee

Originating in the House.

In effect from passage.

[Handwritten signature]

Clerk of the Senate

[Handwritten signature]

Clerk of the House of Delegates

[Handwritten signature]

President of the Senate

[Handwritten signature]

Speaker of the House of Delegates

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

[Handwritten signature]

Governor

PRESENTED TO THE

GOVERNOR

Date

3/6/02

Time

10:10 am