Enrolled
Committee Substitute
for
Senate Bill 438

SENATORS MAYNARD, PREZIOSO, BEACH, PLYMALE, AND
JEFFRIES, original sponsors

[Passed March 10, 2018; in effect 90 days from passage]
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AN ACT to amend and reenact §29-22-18e of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to authorizing additional bonds for state park projects; requiring certain deposits from the State Excess Lottery Revenue Fund; providing for allocation of certain funds not needed for debt service to state park improvements; authorizing the Economic Development Authority to issue certain revenue bonds; providing limitations on bond issuance; creating a special revenue account; and providing for allocation of bond proceeds.

Be it enacted by the Legislature of West Virginia:

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.
ARTICLE 22. STATE LOTTERY ACT.

§29-22-18e. Increase in allocation to State Park Improvement Fund from State Excess Lottery Revenue Fund to permit the issuance of bonds for improvements to Cacapon Resort State Park and Beech Fork State Park.

Notwithstanding any provision of §29-22-18a(d) of this code to the contrary, the deposit of $5 million into the State Park Improvement Fund is for the fiscal year beginning July 1, 2012, only.

For the fiscal year beginning July 1, 2013, and each fiscal year through the fiscal year ending June 30, 2018, in lieu of the deposits required under §29-22-18a(d)(7) of this code, the commission shall first deposit an amount equal to the certified debt service requirement, not to exceed $3 million in any one fiscal year, into the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund created in §31-15-16b of this code, to be used in accordance with the provisions of §31-15-16b of this code, and second, deposit $5 million into the State Park Improvement Fund, established in §29-22-18a(d) of this code, to be used in accordance with the provisions of §29-22-18a(d) of this code. For the fiscal year beginning July 1, 2018, and each fiscal year thereafter, in lieu of the deposits required under §29-22-18a(d)(7) of this code, the commission shall first: (1) Deposit an amount equal to the certified debt service requirement, not to exceed $2.1 million in any one fiscal year, into the Cacapon and Beech Fork State Park Lottery
Revenue Debt Service Fund created in §31-15-16b of this code, to be used in accordance with the provisions of §31-15-16b of this code; and (2) deposit an amount equal to the certified debt service requirement, not to exceed $5.9 million in any one fiscal year, into the State Parks Lottery Revenue Debt Service Fund created in §31-15-16d of this code and if the certified debt service requirement is less than $5.9 million, deposit an amount equal to the difference between the certified debt service requirement and $5.9 million into the State Park Improvement Fund, established in §29-22-18a(d) of this code, to be used in accordance with the provisions of §29-22-18a(d) of this code: Provided, That the amounts deposited into the State Park Improvement Fund shall not exceed $5 million in aggregate in any one fiscal year.

CHAPTER 31. CORPORATIONS.
ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-16d. Lottery revenue bonds for state park projects.

(a)(1) The Economic Development Authority shall, in accordance with the provisions of this article, issue revenue bonds, in one or more series, from time to time, to pay for all or a portion of the cost of constructing, equipping, improving, or maintaining capital improvement projects under this section or to refund the bonds issued for such purposes, at the discretion of the authority. The principal amount of the bonds issued under this section shall not exceed, in the aggregate principal amount, $80 million. Any revenue bonds issued on or after the effective date of this section which are secured by lottery proceeds shall mature at a time or times not exceeding 30 years from their issuance dates. The principal of, and the interest and redemption premium if any on, the bonds shall be payable solely from the State Parks Lottery Revenue Debt Service Fund established in this section.

(2) There is hereby created in the State Treasury a special revenue fund named the State Parks Lottery Revenue Debt Service Fund into which shall be deposited those amounts specified in §29-22-18e of this code. All amounts deposited in the fund shall be pledged to the repayment of the principal, interest, and redemption premium, if any, on any revenue bonds or refunding
revenue bonds authorized by this section. The authority may further provide in the trust agreement for priorities on the revenues paid into the State Parks Lottery Revenue Debt Service Fund as may be necessary for the protection of the prior rights of the holders of bonds issued at different times under the provisions of this section. The State Parks Lottery Revenue Debt Service Fund shall be pledged solely for the repayment of bonds issued pursuant to this section. On or prior to May 1 of each year, commencing upon issuance of the bonds, the authority shall certify to the State Lottery director the principal and interest and coverage ratio requirements for the following fiscal year on any revenue bonds or refunding revenue bonds issued pursuant to this section, and for which moneys deposited in the State Parks Lottery Revenue Debt Service Fund have been pledged, or will be pledged, for repayment pursuant to this section.

(3) After the authority has issued bonds authorized by this section, and after the requirements of all funds have been satisfied, including coverage and reserve funds established in connection with the bonds issued pursuant to this section, any balance remaining in the State Parks Lottery Revenue Debt Service Fund may be used for the redemption of any of the outstanding bonds issued under this section which, by their terms, are then redeemable or for the purchase of the outstanding bonds at the market price, but not to exceed the price, if any, at which redeemable, and all bonds redeemed or purchased shall be immediately canceled and shall not again be issued.

(b) The authority shall expend the bond proceeds, net of issuance costs, reserve funds, and refunding costs, for certified capital improvement projects at any state park. The Division of Natural Resources shall submit a proposed list of capital improvement projects to the Governor. Thereafter, the Governor shall certify to the authority at any time prior to the issuance of bonds under this section, a list of those capital improvement projects at state parks that will receive funds from the proceeds of bonds issued pursuant to this section. At any time prior to the issuance of bonds under this section, the Governor may certify to the authority a revised list of capital improvement projects at state parks that will receive funds from the proceeds of bonds issued
pursuant to this section. The Governor shall consult with the Division of Natural Resources prior
to certifying a revised list of capital improvement projects to the authority.

(c) 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 pledged therefor.

(d) The bonds and the notes shall be authorized by the authority pursuant to this section,
and shall be secured, be in such denominations, may bear interest at such rate or rates, taxable
or tax-exempt, be in such form, either coupon or registered, carry such registration privileges, be
payable in such medium of payment and at such place or places and such time or times, and be
subject to such 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 shall be executed by manual or facsimile signature
by the chairman of the board, and 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 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 such officer before delivery of such bonds
or notes, such signature or facsimile is nevertheless sufficient for all purposes the same as if he
or she had remained in office until such delivery; and, in case the seal of the authority has been
changed after a facsimile has been imprinted on such bonds or notes, such facsimile seal will
continue to be sufficient for all purposes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman, Senate Committee

Vice-Chairman, House Committee

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill is approved this the 22nd Day of March, 2018.

[Signature]

Governor