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SENATE BILL NO. 661

Offered January 24, 2000

A BILL to amend and reenact § 2.1-1.5, as it is currently effective and as it will become effective, of the Code of Virginia; to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 14, consisting of sections numbered 33.1-426 through 33.1-432, and by adding a section numbered 58.1-815.3; and to authorize the issuance of transportation revenue bonds, relating to the creation and financing for the Virginia Coalfield Expressway Corridor Program.

Patrons—Wampler and Puckett; Delegate: Stump

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-1.5, as it is currently effective and as it will become effective, of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 14, consisting of sections numbered 33.1-426 through 33.1-432, and a section numbered 58.1-815.3 as follows:

§ 2.1-1.5. Entities not subject to standard nomenclature.

The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics or the enabling legislation of the entities:

Authorities

Assistive Technology Loan Fund Authority.
Medical College of Virginia Hospitals Authority.
Richmond Eye and Ear Hospital Authority.
Small Business Financing Authority.
Virginia Agriculture Development Authority.
Virginia Coalfield Coalition Authority.
Virginia College Building Authority.
Virginia Economic Development Partnership.
Virginia Housing Development Authority.
Virginia Information Providers Network Authority.
Virginia Innovative Technology Authority.
Virginia Port Authority.
Virginia Public Building Authority.
Virginia Public School Authority.
Virginia Resources Authority.

Boards

Board of Commissioners, Virginia Agriculture Development Authority.
Board of Commissioners, Virginia Coalfield Coalition Authority.
Board of Commissioners, Virginia Port Authority.
Board of Directors, Assistive Technology Loan Fund Authority.
Board of Directors, Medical College of Virginia Hospitals Authority.
Board of Directors, Richmond Eye and Ear Hospital Authority.
Board of Directors, Small Business Financing Authority.
Board of Directors, Virginia Economic Development Partnership.
Board of Directors, Virginia Innovative Technology Authority.
Board of Directors, Virginia Resources Authority.
Board of Regents, Gunston Hall Plantation.
Board of Regents, James Monroe Memorial Law Office and Library.
Board of Trustees, Family and Children's Trust Fund.
Board of Trustees, Frontier Culture Museum of Virginia.
Board of Trustees, Jamestown-Yorktown Foundation.
Board of Trustees, Miller School of Albemarle.
Board of Trustees, Rural Virginia Development Foundation.
Board of Trustees, The Science Museum of Virginia.
Board of Trustees, Virginia Museum of Fine Arts.
Board of Trustees, Virginia Museum of Natural History.
Board of Trustees, Virginia Outdoor Foundation.
Board of Visitors, Christopher Newport University.

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60	Board of Visitors, George Mason University.
61	Board of Visitors, Gunston Hall Plantation.
62	Board of Visitors, James Madison University.
63	Board of Visitors, Longwood College.
64	Board of Visitors, Mary Washington College.
65	Board of Visitors, Norfolk State University.
66	Board of Visitors, Old Dominion University.
67	Board of Visitors, Radford University.
68	Board of Visitors, The College of William and Mary in Virginia.
69	Board of Visitors to Mount Vernon.
70	Board of Visitors, University of Virginia.
71	Board of Visitors, Virginia Commonwealth University.
72	Board of Visitors, Virginia Military Institute.
73	Board of Visitors, Virginia Polytechnic Institute and State University.
74	Board of Visitors, Virginia State University.
75	Commonwealth Health Research Board.
76	Governing Board, Virginia College Building Authority.
77	Governing Board, Virginia Public School Authority.
78	Library Board, The Library of Virginia.
79	Motor Vehicle Dealer Board.
80	State Board for Community Colleges, Virginia Community College System.
81	Virginia-Israel Advisory Board.
82	(Effective until July 1, 2002) Wireless E-911 Service Board.
83	Commissions
84	Advisory Commission on the Virginia Schools for the Deaf and the Blind.
85	Alexandria Historical Restoration and Preservation Commission.
86	Charitable Gaming Commission.
87	Chesapeake Bay Bridge and Tunnel Commission.
88	Hampton Roads Sanitation District Commission.
89	Tobacco Indemnification and Community Revitalization Commission.
90	Districts
91	Chesapeake Bay Bridge and Tunnel District.
92	Hampton Roads Sanitation District.
93	Educational Institutions
94	Christopher Newport University.
95	Frontier Culture Museum of Virginia.
96	George Mason University.
97	James Madison University.
98	Jamestown-Yorktown Foundation.
99	Longwood College.
100	Mary Washington College.
101	Miller School of Albemarle.
102	Norfolk State University.
103	Old Dominion University.
104	Radford University.
105	The College of William and Mary in Virginia.
106	The Library of Virginia.
107	The Science Museum of Virginia.
108	University of Virginia.
109	Virginia Commonwealth University.
110	Virginia Community College System.
111	Virginia Military Institute.
112	Virginia Museum of Fine Arts.
113	Virginia Polytechnic Institute and State University.
114	Virginia State University.
115	Foundations
116	Chippokes Plantation Farm Foundation.
117	Rural Virginia Development Foundation.
118	Virginia Arts Foundation.
119	Virginia Land Conservation Foundation.
120	Virginia Historic Preservation Foundation.
121	Virginia Outdoor Foundation.

- 122 Virginia Tobacco Settlement Foundation.
 123 Museum
 124 Virginia Museum of Natural History.
 125 Partnership
 126 A. L. Philpott Manufacturing Extension Partnership.
 127 Plantation
 128 Gunston Hall Plantation.
 129 § 2.1-1.5. (Delayed effective date) Entities not subject to standard nomenclature.
 130 The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics
 131 or the enabling legislation of the entities:
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 135 Richmond Eye and Ear Hospital Authority.
 136 Small Business Financing Authority.
 137 Virginia Agriculture Development Authority.
 138 *Virginia Coalfield Coalition Authority.*
 139 Virginia College Building Authority.
 140 Virginia Economic Development Partnership.
 141 Virginia Housing Development Authority.
 142 Virginia Information Providers Network Authority.
 143 Virginia Innovative Technology Authority.
 144 Virginia Port Authority.
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 147 Virginia Resources Authority.
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 149 Board of Commissioners, Virginia Agriculture Development Authority.
 150 *Board of Commissioners, Virginia Coalfield Coalition Authority.*
 151 Board of Commissioners, Virginia Port Authority.
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 153 Board of Directors, Medical College of Virginia Hospitals Authority.
 154 Board of Directors, Richmond Eye and Ear Hospital Authority.
 155 Board of Directors, Small Business Financing Authority.
 156 Board of Directors, Virginia Economic Development Partnership.
 157 Board of Directors, Virginia Innovative Technology Authority.
 158 Board of Directors, Virginia Resources Authority.
 159 Board of Regents, Gunston Hall Plantation.
 160 Board of Regents, James Monroe Memorial Law Office and Library.
 161 Board of Trustees, Family and Children's Trust Fund.
 162 Board of Trustees, Frontier Culture Museum of Virginia.
 163 Board of Trustees, Jamestown-Yorktown Foundation.
 164 Board of Trustees, Miller School of Albemarle.
 165 Board of Trustees, Rural Virginia Development Foundation.
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 167 Board of Trustees, Virginia Museum of Fine Arts.
 168 Board of Trustees, Virginia Museum of Natural History.
 169 Board of Trustees, Virginia Outdoor Foundation.
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 177 Board of Visitors to Mount Vernon.
 178 Board of Visitors, Norfolk State University.
 179 Board of Visitors, Old Dominion University.
 180 Board of Visitors, Radford University.
 181 Board of Visitors, University of Virginia.
 182 Board of Visitors, Virginia Commonwealth University.

- 183 Board of Visitors, Virginia Military Institute.
- 184 Board of Visitors, Virginia Polytechnic Institute and State University.
- 185 Board of Visitors, Virginia State University.
- 186 Commonwealth Health Research Board.
- 187 Governing Board, Virginia College Building Authority.
- 188 Governing Board, Virginia Public School Authority.
- 189 Library Board, The Library of Virginia.
- 190 Motor Vehicle Dealer Board.
- 191 State Board for Community Colleges, Virginia Community College System.
- 192 Virginia-Israel Advisory Board.
- 193 (Effective until July 1, 2002) Wireless E-911 Service Board.
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- 216 The Library of Virginia.
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- 218 University of Virginia.
- 219 Virginia Commonwealth University.
- 220 Virginia Community College System.
- 221 Virginia Military Institute.
- 222 Virginia Museum of Fine Arts.
- 223 Virginia Polytechnic Institute and State University.
- 224 Virginia State University.

Foundations

- 225
- 226 Chippokes Plantation Farm Foundation.
- 227 Rural Virginia Development Foundation.
- 228 Virginia Arts Foundation.
- 229 Virginia Conservation and Recreation Foundation.
- 230 Virginia Outdoor Foundation.

Museum

- 231
- 232 Virginia Museum of Natural History.

Partnership

- 233
- 234 A. L. Philpott Manufacturing Extension Partnership.

Plantation

- 235
- 236 Gunston Hall Plantation.

CHAPTER 14.

VIRGINIA COALFIELD COALITION AUTHORITY.

- 237
- 238
- 239 § 33.1-426. Virginia Coalfield Coalition Authority created.

- 240 *The Virginia Coalfield Coalition Authority, hereinafter referred to as the Authority, is created as a*
- 241 *body corporate and as a political subdivision of the Commonwealth. The Authority is hereby constituted*
- 242 *a public instrumentality exercising public and essential governmental functions, and the exercise by the*
- 243 *Authority of the powers conferred by this chapter shall be deemed and held to be the performance of an*
- 244 *essential governmental function of the Commonwealth.*

§ 33.1-427. Board of Commissioners; membership; terms; compensation and expenses; chairman and vice-chairman; quorum; employees, agents, etc.

All powers, rights and duties conferred by this chapter or other provisions of law upon the Authority shall be exercised by the Board of Commissioners of the Virginia Coalfield Coalition Authority. The Board of Commissioners, hereafter referred to as "the Board," shall consist of eleven members as follows: the State Treasurer; two members each of the local governing bodies of the Counties of Wise, Buchanan, and Dickenson, appointed by the Governor and subject to confirmation by the General Assembly, who shall serve for terms of four years each; and four additional members, appointed by the Governor and subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor for terms of four years each. Appointments to fill vacancies other than by expiration of term shall be made for the unexpired terms. No member appointed by the Governor shall be eligible to serve more than two successive terms.

The Governor shall designate one member of the Board as chairman. The chairman shall be the chief executive officer of the Authority and shall receive such compensation as the Governor shall fix. The remaining members of the Board shall receive such compensation as provided for by law.

The State Treasurer shall be ineligible to serve as chairman. The chairman shall sign and execute all vouchers for the disbursement of funds belonging to the Authority upon authorization by the Board. The Board shall elect one of its members as vice-chairman who shall exercise the powers of the chairman when so directed by the chairman. Six members of the Board shall constitute a quorum for the transaction of all business of the Authority. The Board may also elect from its membership a secretary and prescribe his powers and duties.

The Board may employ or retain such employees, agents, financial advisers and attorneys as it may deem necessary and fix their compensation.

§ 33.1-428. Limited purpose of authority; Virginia Coalfield Expressway Corridor.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of southwestern Virginia be addressed by the construction of an adequate, modern, safe, and efficient highway system, the Virginia Coalfield Expressway Corridor, generally along Virginia's southwestern boundary, from at or near the Kentucky border in the County of Wise to at or near the West Virginia border in the County of Buchanan. The Authority is created and shall be vested with powers solely to provide for the construction of this highway system, hereafter referred to as "the Program." No other agency, authority, board, or other state or local entity may provide for the construction of the Program.

§ 33.1-429. General powers.

The Authority is vested with the powers of a body corporate, including, without limitation, the power to:

1. Sue and be sued;
2. Make contracts;
3. Adopt and use a common seal, and alter such seal at its pleasure;
4. Procure insurance, participate in insurance plans, and provide self-insurance. The purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
5. Develop policies and procedures generally applicable to the procurement of goods, services and construction based on competitive principles; and

6. Use any legal means to carry out its limited purpose.

§ 33.1-430. Virginia Coalfield Expressway Corridor Development Fund.

A. A special nonreverting fund, the Virginia Coalfield Expressway Corridor Development Fund, hereafter referred to as "the Fund," as established in § 58.1-815.3, shall be used for funding construction of the Program. The Authority shall manage and administer the moneys of the Fund for no other purpose than construction of the Virginia Coalfield Expressway Corridor. The Fund shall be part of the Transportation Trust Fund. Moneys in the Fund shall be used for, including without limitation, environmental and engineering studies, rights-of-way acquisition, construction, improvements, and financing costs.

B. Allocations from the Fund shall be made annually by the Authority for the creation of the Program and enhancement of a safe, efficient, highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility and quality of life along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other

allocations to the end that highway resource improvements in the Program may be accelerated and augmented. Allocations from the Fund may be applied to highway projects in the interstate, primary, secondary, or urban system, contrary provisions of this title notwithstanding.

D. The Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection F of this section. Any moneys expended from the Transportation Trust Fund for the Program, other than moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X, Section 9 of the Constitution of Virginia. In the event funds from the Fund are used for projects contained in the Department of Transportation's Six-Year Improvement Program and related to the purposes of this chapter, such funds shall be reimbursed to the Fund from the Transportation Trust Fund not to exceed the amounts allocated to such projects in the Program.

E. To the maximum extent possible, the Program shall conform to the arterial network developed by the Commonwealth Transportation Board pursuant to § 33.1-26.

F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys contained in the Fund may be used to secure payment of bonds or other obligations, and the interest thereon, issued in furtherance of the purposes of this section. In addition, the Board is authorized to receive, dedicate or use legally available Transportation Trust Fund revenues and any other available sources of funds to secure the payment of bonds or other obligations, including interest thereon, in furtherance of the Program. No bond or other obligations payable from revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit of the Commonwealth.

G. Fifteen million dollars shall be transferred annually to the Fund with the first such transfer to be made on July 1, 2000, or as soon thereafter as reasonably practicable. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of fifteen million dollars to the Fund to ensure that the Fund is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by § 58.1-815.3. For each fiscal year following July 1, 2000, the Secretary of Finance is authorized to make additional treasury loans in the amount of fifteen million dollars on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in this subsection.

§ 33.1-431. Other powers of the Board.

A. The Board may issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the Fund, subject to their appropriation by the General Assembly; (ii) by lease payments made by the Commonwealth to the Board for use of the Program; (iii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iv) to the extent required, from any other legally available funds which have been appropriated by the General Assembly.

B. The bonds of such issue shall be dated, shall bear interest at such rate or rates and shall mature at such time or times, not exceeding thirty years from their date or dates, as may be determined by the Board or by formula or method established by resolution of the Board, and may be made redeemable before maturity, at the option of the Board, at such price or prices and under such terms and conditions as may be fixed by the Board prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The payments of principal and interest may be uniform in amount over the life of the bond; however, such uniformity shall not be a prerequisite to the issuance of such bonds. The Board shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the chairman and the official seal of the Board shall be affixed thereto and attested by the secretary of the Board and any coupons attached thereto shall bear the facsimile signatures of the chairman. When any officer whose signature appears on the bonds or coupons ceases to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this article shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Board may determine, and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and for the reconversion of any bonds registered as to both principal and interest into coupon bonds. Prior to the preparation of definite bonds, the Board, under like restrictions, may issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Board may also provide for the replacement of any bond that is mutilated, destroyed or lost.

C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided in this section.

B. The provisions of Article 5 (§ 33.1-267 et seq.) of Chapter 3 of this title shall apply to the powers of the Board and to the issuance of any Commonwealth of Virginia Transportation Revenue Bonds issued for the purpose of providing for the construction of the Program, mutatis mutandis, unless the provisions of such sections are inapplicable.

§ 33.1-432. Actions of the Board under the Public-Private Transportation Act of 1995.

The Board shall be considered a responsible public entity and may be considered an operator, and is vested with all the power of such entities as enumerated under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), for the limited purposes of providing for the construction of the Program. As a responsible public entity, the Board may enter into lease agreements for the use of the transportation facilities constructed as part of the Program, and such lease payments shall be used to pay any debt service on bonds issued to raise moneys for construction of the Program.

§ 58.1-815.3. Virginia Coalfield Expressway Corridor Development Fund created.

There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Virginia Coalfield Expressway Corridor Development Fund, consisting of the first fifteen million dollars of annual collections of the state recordation taxes imposed by this chapter after payments of such taxes as required by § 58.1-815; however, this dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall also include such other funds as may be appropriated by the General Assembly from time to time and designated for this Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality or commission for the purposes specified in Chapter 14 (§ 33.1-426 et seq.) of Title 33.1.

2. That Commonwealth of Virginia Transportation Revenue Bonds be issued as follows:

§ 1. This act shall be known and may be cited as the Virginia Coalfield Expressway Corridor Commonwealth of Virginia Transportation Revenue Bond Act of 2000.

§ 2. The Virginia Coalfield Coalition Authority is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of Chapter 14 (§ 33.1-426 et seq.) of Title 33.1 of the Code of Virginia, and pursuant to Section 9 (d), Article X of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series...", in an aggregate principal amount not exceeding \$80,000,000 to finance the cost of the Virginia Coalfield Expressway Corridor Program (the Project), established in § 33.1-428, plus an amount for the issuance costs, reserve funds, and other financing expenses. The proceeds of such bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be incurred for the construction of an adequate, modern, safe, and efficient highway system which comprises the Virginia Coalfield Expressway Corridor Program; such costs include environmental and engineering studies, rights-of-way acquisition, construction and related improvements.

The revenue bonds shall be issued by the Virginia Coalfield Coalition Authority and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Virginia Coalfield Coalition Authority with respect to such bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

§ 3. The proceeds of the bonds herein authorized shall be expended by the Virginia Coalfield Coalition Authority for the purpose for which they were issued.

The proceeds of the bonds may be used with any local, private or federal funds which may be made available for the Project.

§ 4. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding thirty years from their date or dates, as may be determined by the Virginia Coalfield Coalition Authority and may be made redeemable before their maturity or maturities at such price or prices and under such terms and conditions as may be fixed by the Virginia Coalfield Coalition Authority prior to the issuance of the bonds. The principal of and the interest on said bonds shall be made payable in lawful money of the United States of America. The Virginia Coalfield Coalition Authority shall determine the form of the bonds and fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest thereof, which may be at the office of the State Treasurer or any bank or trust company within or without the Commonwealth.

All bonds issued under the provisions of this act shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable

429 *instruments law of the Commonwealth.*

430 *The bonds may be issued in coupon or in registered form or both, and in book entry form, as the*
431 *Virginia Coalfield Coalition Authority may determine, and provision may be made for the registration of*
432 *any coupon bonds as to principal alone and also as to both principal and interest, and for the*
433 *reconversion of any bonds registered as to both principal and interest into coupon bonds.*

434 *Such bonds may be sold at public or private sale for such price or prices as the Virginia Coalfield*
435 *Coalition Authority Board may determine to be in the best interest of the Commonwealth.*

436 *§ 5. The bonds shall be signed on behalf of the Commonwealth by the Chairman of the Virginia*
437 *Coalfield Coalition Authority, or bear his facsimile signature, and shall bear the official seal of the*
438 *Virginia Coalfield Coalition Authority. Any interest coupons shall bear a facsimile of the signature of*
439 *the Chairman. In the event that such bonds shall bear the facsimile signature of the Chairman, the*
440 *bonds shall be signed by such administrative assistant as the Chairman shall determine or by any*
441 *registrar/paying agent that may be designated by the Treasury Board. In case any officer whose*
442 *signature, or facsimile signature, appears on any bonds or coupons ceases to be such officer before the*
443 *delivery of the bonds, such signature, or facsimile signature, shall nevertheless be valid and sufficient*
444 *for all purposes as if he had remained in office until such delivery.*

445 *§ 6. All expenses incurred under this Act shall be paid from the proceeds of the bonds or from any*
446 *available funds as the Virginia Coalfield Coalition Authority shall determine. Any advance made by the*
447 *Board may be reimbursed from the Virginia Coalfield Expressway Corridor Development Fund or from*
448 *the proceeds of the bonds or notes.*

449 *§ 7. The Virginia Coalfield Coalition Authority is hereby authorized to borrow money through the*
450 *execution and issuance of notes of the Commonwealth for the same, but only in the following*
451 *circumstances and under the following conditions:*

452 *a. In anticipation of the sale of the bonds the issuance of which shall have been authorized by the*
453 *Virginia Coalfield Coalition Authority and shall have been approved by the Governor, if the Virginia*
454 *Coalfield Coalition Authority shall deem it advisable to postpone the issuance of the bonds.*

455 *b. For the renewal of any loan evidenced by notes herein authorized.*

456 *§ 8. The proceeds, excluding any premium, of such bonds and of the bond anticipation notes herein*
457 *authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond*
458 *anticipation notes) shall be placed by the State Treasurer in a special fund in the state treasury, or with*
459 *his concurrence may be placed in accordance with § 33.1-283, and shall be disbursed only for the*
460 *purpose for which such bonds and such bond anticipation notes shall be issued, provided that proceeds*
461 *derived from the sale of bonds or renewal herein authorized shall be first used in the payment of any*
462 *bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any*
463 *renewals of such notes.*

464 *§ 9. The Virginia Coalfield Coalition Authority is hereby authorized to receive any other funds that*
465 *may be made available to pay the cost of the Project and to make available such funds for the payment*
466 *of the principal of and interest on the debt authorized hereby, and to enter into the appropriate*
467 *agreements to allow for those funds to be paid into the state treasury to pay a part of the cost of the*
468 *Project or to pay the principal of and interest on such debt.*

469 *§ 10. The Virginia Coalfield Coalition Authority, prior to the issuance of such bonds, may establish a*
470 *minimum reserve fund requirement for the bonds.*

471 *§ 11. The Virginia Coalfield Coalition Authority prior to the issuance of the bonds shall establish a*
472 *sinking fund for the payment of the bonds to the credit of which fund there shall be deposited such*
473 *amounts as are required to pay debt service on the bonds when due and payable for such fiscal years*
474 *from (i) first, revenues received from the Virginia Coalfield Expressway Corridor Development Fund as*
475 *created in § 58.1-815.3 and pursuant to § 33.1-430, subject to their appropriation by the General*
476 *Assembly, (ii) next, by lease payments made by the Commonwealth to the Board of Commissioners of*
477 *the Virginia Coalfield Authority, (iii) then, to the extent required, revenues legally available from the*
478 *Transportation Trust Fund, and (iv) finally, to the extent required for the payment of the bonds, any*
479 *other legally available funds which shall have been appropriated by the General Assembly.*

480 *§ 12. Bond proceeds and moneys in any reserve funds and sinking funds shall be invested by the*
481 *State Treasurer in accordance with the provisions of general law relating to the investment of such*
482 *funds belonging to or in the control of the Commonwealth, or with the State Treasurer's concurrence by*
483 *a trustee in accordance with § 33.1-283.*

484 *§ 13. The interest income from, but not any profit made on the sale of the bonds, notes and coupons,*
485 *if any, issued under the provisions of this act, shall at all times be free and exempt from taxation by the*
486 *Commonwealth and by any municipality, county, or other political subdivision thereof.*

487 *§ 14. All bonds and notes issued under the provisions of this act are hereby made securities in which*
488 *all public officers and bodies of the Commonwealth, all counties, cities, and towns and municipal*
489 *subdivisions, all insurance companies and associations, all savings banks and savings institutions,*
490 *including savings and loan associations, administrators, guardians, executors, trustees, and other*

491 *fiduciaries in the Commonwealth may properly and legally invest funds under their control.*
492 *§ 15. If any part of this act or the application thereof to any person or circumstance is held invalid*
493 *by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of the*
494 *provisions or applications of the act which can be given effect without the invalid provision or*
495 *application, and to this end the provisions of this act are severable.*

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