

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 4

An Act to amend and reenact § 22.1-163 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-167.2, relating to the Virginia Public School Authority.

[S 67]

Approved March 8, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-163 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-167.2 as follows:

§ 22.1-163. Authority created; public body corporate and agency of Commonwealth.

The Virginia Public School Authority is created as a public body corporate ~~and as a political subdivision~~ and an agency and instrumentality of the Commonwealth.

§ 22.1-167.2. Security for payment; appropriations.

A. The Authority is authorized to issue bonds to finance and refinance acquisition of bonds, notes and other obligations of counties, cities and towns (local school bonds) issued for the purpose of financing and refinancing capital projects for school purposes and to pledge to the bonds all or any combination of the following sources: (i) payments of principal and interest on the local school bonds purchased by the Authority; (ii) payments to the localities by the Commonwealth as contemplated under the provisions of § 15.2-2659 (state aid intercept) of the Code of Virginia; (iii) funds in the Literary Fund available and appropriated for such purpose; and (iv) any funds in the general fund of the Commonwealth appropriated for such purpose.

B. Each budget bill submitted pursuant to subsection A of § 2.1-399 and each set of gubernatorial amendments to the general appropriation act submitted pursuant to subsection B of § 2.1-399 shall include an appropriation to the Authority of a sum sufficient, as provided in the general appropriation act, first, from funds in the Literary Fund available for such purpose, and second, from the general fund of the Commonwealth, to cure any shortfall in pledged primary revenues on any debt service payment date on the bonds of the Authority described by this section. A shortfall in pledged primary revenues shall exist when the sum of the payments made on local school bonds due on or before such date and any proceeds derived from the implementation of § 15.2-2659 (state aid intercept) of the Code of Virginia as of such date is less than required to pay the debt service due on the Authority's bonds on such date.

C. The Literary Fund and the general fund of the Commonwealth shall be subrogated to the rights of the Authority to the extent of any such funds paid to the Authority and shall be entitled to enforce the Authority's remedies with respect to the local school bonds and to full recovery of the amount of such shortfall.

D. On or before September 30 of each year, the Authority shall submit to the Governor and the chairmen of the House Appropriations Committee and the Senate Finance Committee a report as of the end of the prior fiscal year detailing the total amount of the Authority's outstanding bonds secured by appropriations as described in subsection B. The report shall also describe any instances where any such appropriation has been used.