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HOUSE BILL NO. 2493

Offered January 21, 1999

A BILL authorizing the issuance of Commonwealth of Virginia Parks and Recreational Facilities Bonds in an amount not exceeding \$42,751,408 for the purpose of providing funds for paying, together with any other available funds, for the financing the acquisition of interests in land and any structures thereon for park and recreational facilities, state parks, state forests, sites of historic significance and for the preservation of natural resources; authorizing the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds and to provide for their sale at public or private sale; authorizing the Treasury Board, by and with the consent of the Governor, to borrow money in anticipation of the issuance of the bonds; authorizing the issuance of refunding bonds, by and with the consent of the Governor; providing for the pledge of the full faith and credit of the Commonwealth for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds; providing that the bonds shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; and providing that this act shall not become effective and that no bonds shall be issued hereunder unless this act is approved by a majority of the qualified voters of the Commonwealth voting thereon at an election, as required by Article X, Section 9 (b) of the Constitution of Virginia.

Patrons—Deeds, Armstrong, Baskerville, Bloxom, Brink, Grayson, Jackson, Jones, J.C., Moran, Phillips, Plum, Puller, Scott, Shuler and Watts

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. § 1. *This act shall be known and may be cited as the "Commonwealth of Virginia Park and Recreation Facilities Bond Act of 1999."*

§ 2. *Subject to a favorable vote of a majority of the qualified voters voting on this act at the November 2, 1999, general election as hereinafter provided, the Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Park and Recreational Facilities Bonds, Series...", in an aggregate principal amount not exceeding \$42,751,408. The proceeds of the bonds, excluding amounts needed to pay issuance costs and other financing expenses, shall be used as provided in § 6 hereof, without limitation, for financing the acquisition of interests in land and any structures thereon for park and recreational facilities, state parks, state forests, and sites of historic significance and for the preservation of natural resources, as follows:*

Project	1998-2000
Natural Resources:	
South River Wetlands, Augusta County	\$ 1,000,000
Shenandoah Valley Pond Complex, Augusta/Rockingham Counties	\$ 900,000
Culpeper Flatwoods, Culpeper County	\$ 2,000,000
Nokesville Barrens, Fauquier/Prince William Counties	\$ 600,000
Rocky Mount, Franklin County	\$ 80,000
Grayson County Wetlands, Grayson County	\$ 100,000
Difficult Creek, Halifax County	\$ 320,000
Antioch Pines Natural Area Preserve addition,	

INTRODUCED

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58		
59	<i>Isle of Wight County</i>	\$ 750,000
60		
61	<i>Brunswick Flatrocks, Brunswick County</i>	\$ 40,000
62		
63	<i>Wetland Complex, Mathews County</i>	\$ 400,000
64		
65	<i>Bethel Beach Natural Area Preserve addition, Mathews County</i>	\$ 160,000
66		
67	<i>Montgomery County Dolomite, Montgomery County</i>	\$ 600,000
68		
69	<i>Bannister River, Pittsylvania County</i>	\$ 100,000
70		
71	<i>Lummis Flatwoods, Suffolk</i>	\$ 300,000
72		
73	<i>Blackwater River Natural Area Preserve addition, Surry County</i>	\$ 1,200,000
74		
75	<i>Chub Sandhill Natural Area Preserve addition, Sussex County</i>	\$ 120,000
76		
77	<i>Sussex Forest, Sussex County</i>	\$ 500,000
78		
79	<i>North Landing River Natural Area Preserve addition,</i>	
80		
81	<i>Virginia Beach</i>	\$ 480,000
82		
83	<i>Front Royal Karst Lands, Warren County</i>	\$ 400,000
84		
85	<i>Clinch River Forests, Russell/Scott/Wise Counties</i>	\$ 1,600,000
86		
87		
88	<i>Total:</i>	\$ 11,650,000
89		
90		
91	<i>State Parks:</i>	
92		
93		
94	<i>Kiptopeke State Park</i>	\$ 150,000
95		
96	<i>Belle Isle State Park</i>	\$ 844,200
97		
98	<i>Caledon State Park</i>	\$ 10,000
99		
100	<i>Westmoreland State Park</i>	\$ 500,000
101		
102	<i>Leesylvania (State Park)</i>	\$ 430,000
103		
104	<i>Shenandoah State Park</i>	\$ 1,369,500
105		
106	<i>James River State Park</i>	\$ 295,000
107		
108	<i>Pocahontas State Park</i>	\$ 8,263,828
109		
110	<i>Twin Lakes State Park</i>	\$ 32,780
111		
112	<i>Claytor Lake State Park</i>	\$ 1,468,500
113		
114	<i>New River Trail State Park</i>	\$ 32,000

Hungry Mother State Park	\$ 975,000
Natural Tunnel State Park	\$ 5,000
Total:	\$ 14,375,808
State Forests:	
Buckingham State Forest	\$ 525,600
Cumberland State Forest	\$ 200,000
City of Chesapeake	\$ 1,000,000
Total:	\$ 1,725,600
Historic sites:	
Civil War Battlefields	\$ 15,000,000
Project Total	\$ 42,751,408

The General Assembly hereby finds and determines that the estimated useful life of the facilities listed above is in excess of twenty-one years.

Upon the request of the Director of the Department of Conservation and Recreation, the Governor or the Governor's designee may increase or decrease the allocation to any project within the total amount allocated to the projects listed above. To the extent that the cost of any project is less than the amount allocated to such project, the Governor or the Governor's designee may increase the amount allocated to any other project included herein. No allocation to a project may be increased until it has been demonstrated, to the satisfaction of the Governor or the Governor's designee, that (i) the cost of the project has been reduced to the extent reasonable, (ii) the project has not been expanded or enhanced beyond that originally approved, and (iii) the project is suitable and adequate for the scope originally intended. No increase in the amount allocated to any project shall constitute authorization for the issuance of bonds in an amount in excess of the aggregate authorized hereunder.

§ 3. The bonds shall be dated, shall mature at such time or times not exceeding twenty-one years from their date or dates and may be made redeemable before their maturity or maturities at such price or prices, all as may be determined by the Treasury Board, by and with the consent of the Governor. The bonds shall be in such form; shall bear interest at a rate or rates, either at fixed rates or at rates established by formula or other method; and may contain such other provisions, all as determined by the Treasury Board or the State Treasurer, when authorized by the Treasury Board. The principal of, premium, if any, and interest on the bonds shall be payable in lawful money of the United States of America. The Treasury Board shall fix the denomination or denominations of the bonds and the place or places for payment of the principal, premium, if any, and interest, which may be at the office of the State Treasurer or at any one or more banks or trust companies within or without the Commonwealth.

Bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of the principal of, premium, if any, and interest on the bonds.

The Treasury Board may sell the bonds in such manner, either at public or private sale, and for such price as it may determine, by and with the consent of the Governor, to be in the best interests of the Commonwealth.

The "Commonwealth of Virginia Park and Recreational Facilities Bonds, Series..." authorized hereby

174 may be issued at one time or in part from time to time or may, in the discretion of the Treasury Board,
175 be issued and sold at the same time with any general obligation bonds of the Commonwealth authorized
176 pursuant to Article X, Section 9 (a)(3), (b), or (c) of the Constitution of Virginia, to be designated
177 "Commonwealth of Virginia General Obligation Bonds, Series...", either as separate issues or combined
178 issues.

179 § 4. The bonds shall be signed on behalf of the Commonwealth by the Governor or shall bear his
180 facsimile signature and by the State Treasurer or shall bear his facsimile signature and shall bear the
181 lesser seal of the Commonwealth or a facsimile thereof. In the event that the bonds bear the facsimile
182 signature of the State Treasurer, the bonds shall be signed by such administrative assistant or
183 authenticated by such agent as may be appointed by the State Treasurer. In case any officer whose
184 signature or facsimile of whose signature appears on any bonds ceases to be such officer before the
185 delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all
186 purposes the same as if he had remained in office until such delivery. Any bond may bear the facsimile
187 signature of, or may be signed by, such persons as at the actual time of the execution of such bond are
188 the proper officers to sign such bond although at the date of such bond such persons may not have been
189 such officers.

190 § 5. The Treasury Board is hereby authorized, by and with the consent of the Governor, to borrow
191 money in anticipation of the issuance of the bonds. Such bond anticipation notes shall be dated, shall
192 mature at such time or times not exceeding five years from their date or dates, and may be redeemable
193 before their maturity or maturities at such price or prices, all as may be determined by the Treasury
194 Board, by and with the consent of the Governor. The bond anticipation notes shall be in such form;
195 shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other
196 method; and may contain such other provisions, all as determined by the Treasury Board or the State
197 Treasurer, when authorized by the Treasury Board. Such bond anticipation notes shall be executed in
198 the manner provided in § 4 hereof.

199 § 6. Proceeds (including any premium) of the bonds (except the proceeds of bonds the issuance of
200 which has been anticipated by bond anticipation notes) and proceeds of any bond anticipation notes
201 shall be placed by the State Treasurer in a special capital outlay and land purchase and improvement
202 fund in the State Treasury and shall be disbursed only for the purpose for which the bonds and any
203 bond anticipation notes have been issued. In the event that the proceeds of the bonds exceed the cost of
204 the projects specified herein, the Treasury Board shall cause such excess proceeds to be deposited in the
205 sinking fund hereinafter created. The proceeds of the bonds, the issuance of which has been anticipated
206 by bond anticipation notes, shall be used to pay such bond anticipation notes. Funds provided by the
207 General Assembly, or from any other source, for the payment of the principal of, premium, if any, and
208 interest on the bonds, the issuance of which has been anticipated by bond anticipation notes, shall be
209 used to pay the principal of, premium, if any, and interest on any bond anticipation notes.

210 § 7. The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at
211 one time or from time to time, refunding bonds of the Commonwealth, to be designated "Virginia Park
212 and Recreational Facilities Refunding Bonds, Series...", to refund any or all of the bonds issued under
213 this act. No refunding bonds shall be issued in a principal amount exceeding that necessary to amortize
214 the principal of, premium, if any, and interest on the bonds to be refunded and to pay all issuance costs
215 and other financing expenses of the refunding bonds. Such refunding bonds may be issued whether or
216 not the bonds to be refunded are then subject to redemption. Such refunding bonds shall be issued and
217 sold in the manner and subject to the limitations prescribed in § 3 for the issuance and sale of bonds
218 and shall be executed in the manner provided in § 4 for the execution of bonds.

219 The "Commonwealth of Virginia Park and Recreational Facilities Refunding Bonds, Series..."
220 authorized hereby may be issued at one time or in part from time to time or may, in the discretion of
221 the Treasury Board, be issued and sold at the same time with any general obligation bonds of the
222 Commonwealth authorized pursuant to Article X, Section 9 (a)(3), (b), or (c) of the Constitution of
223 Virginia, to be designated "Commonwealth of Virginia General Obligation Bonds, Series ...," either as
224 separate issues or combined issues.

225 § 8. The proceeds of the refunding bonds shall be applied to (i) the payment of issuance costs and
226 other financing expenses; (ii) the payment of matured or redeemable bonds, including any redemption
227 premium; (iii) the payment of unmatured bonds which shall then be on deposit with a bank or trust
228 company for surrender to the Commonwealth upon receipt therefor of a sum not exceeding the amount
229 due on such bonds; or (iv) the establishment of an escrow or sinking fund consisting of cash and
230 noncallable obligations of, or unconditionally guaranteed as to payment of principal and interest in full
231 by the United States of America in an amount which together with interest to be earned on such
232 obligations will be sufficient to pay all bonds to be refunded either at maturity or upon redemption, all
233 as provided for upon the creation of such sinking fund. Any escrow or sinking fund established with the
234 proceeds from the sale of any refunding bonds shall be irrevocably pledged to the payment of the bonds
235 to be refunded, and shall be used solely to pay such bonds at maturity or upon redemption or for the

purchase of not less than all of the bonds to be refunded. Any such escrow or sinking fund shall constitute a special fund for the payment of such refunding bonds, and such refunding bonds, to the extent of the amount set aside for the payment thereof in such sinking fund, shall not be included for the purposes of determining any limitations upon the amount of bonded indebtedness of the Commonwealth that may be incurred pursuant to Section 9 (b) of Article X of the Constitution of Virginia.

§ 9. The proceeds of the bonds and any refunding bonds or bond anticipation notes are hereby appropriated for disbursement from the State Treasury for the current biennium pursuant to Article X, Section 7 of the Constitution of Virginia, and § 2.1-224 of the Code of Virginia. The general conditions and general provisions of the general appropriation act enacted pursuant to Chapter 27 (§ 2.1-387 et seq.) of Title 2.1 of the Code of Virginia, in effect from time to time, and all of the terms and conditions contained therein shall apply to the capital projects listed in § 2. The Governor or his designee is hereby authorized to increase the appropriation for any project listed in § 2 by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the State Treasury in excess of such appropriation.

§ 10. Pending the application of the proceeds of the bonds or any bond anticipation notes to the purpose for which they have been authorized, all or any part of such proceeds may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds. Whenever the State Treasurer receives interest from the investment of proceeds of bonds or any bond anticipation notes, such interest shall become a part of the principal of the bonds or any bond anticipation notes and shall be used in the same manner as required for the principal of the bonds or any bond anticipation notes. However, the Treasury Board may direct that the interest received from the investment of proceeds of the bonds or any bond anticipation notes be transferred to the general fund of the State Treasury.

§ 11. The full faith and credit of the Commonwealth is hereby irrevocably pledged for the payment of the principal of and the interest on the bonds and any refunding bonds herein authorized. The proceeds of the bonds, the issuance of which has been anticipated by bond anticipation notes, are hereby irrevocably pledged for the payment of the principal of and interest on such bond anticipation notes. In addition, the Treasury Board may pledge the full faith and credit of the Commonwealth for the payment of the principal of and interest on any bond anticipation notes. If sufficient funds are not appropriated in the budget for any fiscal year for the timely payment of the principal of and the interest on the bonds, any refunding bonds or any bond anticipation notes where the full faith and credit of the Commonwealth has been pledged, a sum sufficient to pay such principal and interest shall be set apart by direction of the Governor, from the first general fund revenues received during such fiscal year and thereafter.

In order to insure the payment of the principal of and the interest on the bonds or any refunding bonds, there is hereby created a sinking fund for such purposes in which there shall be deposited annually, beginning not later than one-tenth of the term of the bonds or refunding bonds, as the case may be, out of any available moneys in the general fund of the State Treasury, or from any other source, a sum sufficient to pay the principal of and the interest on the bonds becoming due in each year. In the event that any series of bonds or refunding bonds shall all become due in one year, there shall be deposited annually into such sinking fund, in addition to the amount necessary to pay the interest on the bonds or the refunding bonds, as the case may be, a sum sufficient for redeeming or paying all such bonds or the refunding bonds, as the case may be, by their stated maturity. The amounts of such annual deposits of principal shall be determined by the Treasury Board, by and with the consent of the Governor prior to the issuance of the bonds or the refunding bonds, as the case may be, provided that no annual deposit shall exceed the smallest previous annual deposit by more than 100 percent. Such sinking fund shall not be appropriated for any other purpose.

The moneys in such sinking fund shall be invested by the Treasury Board in accordance with the provisions of general law relating to the investment of sinking funds belonging to or within the control of the Commonwealth.

§ 12. To the extent not otherwise provided for, all expenses incurred under this act shall be paid from the proceeds of the bonds, any refunding bonds or bond anticipation notes, or from any other available funds as the Treasury Board shall determine.

§ 13. The interest on the bonds, any refunding bonds or bond anticipation notes shall at all times be exempt from taxation by the Commonwealth or by any political subdivision thereof. The interest on the bonds, any refunding bonds or bond anticipation notes may be subject to inclusion in the gross income of the holders thereof for federal income tax purposes.

§ 14. The question of the effectiveness of this act and the authorization of the bonds shall be submitted to the qualified voters of the Commonwealth at the general election to be held on November 2, 1999. Notice of the election shall be published at least twice, the first publication being at least forty-five days before the election, in such newspapers designated by the State Board of Elections which

297 collectively circulate throughout the Commonwealth. The election shall be held; the ballots prepared,
298 distributed and voted; and the results thereof ascertained and certified, in accordance with Title 24.2 of
299 the Code of Virginia, relating to special elections. The ballots to be used at the election shall pose the
300 question in substantially the following form:

301 QUESTION: "Shall Chapter. . . of the Acts of the General Assembly of 1999, authorizing the
302 issuance of general obligation bonds of the Commonwealth of Virginia in the maximum amount of \$
303 42,751,408 pursuant to Article X, Section 9 (b) of the Constitution of Virginia for the acquisition of
304 interests in land and structures thereon for PARKS, RECREATIONAL FACILITIES, HISTORIC SITES,
305 AND PRESERVATION OF NATURAL RESOURCES take effect?"

306 ☐ Yes

307 ☐ No

308 The State Board of Elections shall cause to be sent to the electoral boards of each county and city
309 sufficient copies of the full text of this act and the question contained herein for the officers of election
310 to post in each polling place on election day. The State Board of Elections shall without delay make out
311 and transmit to the Governor and to the Treasury Board an official copy of the report of the whole
312 number of votes cast at the election for and against the act, certified by it.

313 If a majority of those voting thereon vote in favor of this act, this act shall take effect, and the bonds
314 may be issued as provided herein. If a majority of those voting thereon vote against this act, this act
315 shall not take effect, and the bonds shall not be issued.

316 The expenses incurred in conducting this election shall be defrayed as in the case of election of
317 members of the General Assembly.

318 § 15. The provisions of this act or the application thereof to any person or circumstance which are
319 held invalid shall not affect the validity of other provisions or applications of this act which can be
320 given effect without the invalid provisions or applications.