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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Hospital Finance Authority TITLE NUMBER: 116

CITE AUTHORITY: West Virginia Code Section 16-29A-5(e)

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Establishment of Fee Schedule and Cost Allocations Applicable to Issuance of Bonds by the West Virginia Hospital Finance Authority

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

WEST VIRGINIA HOSPITAL FINANCE AUTHORITY

Sarah Hamrick

Authorized Signature

Sarah B. Hamrick
Administrative Assistant

$2.80

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TITLE 116
LEGISLATIVE RULE
HOSPITAL FINANCE AUTHORITY

SERIES 1
ESTABLISHMENT OF FEE SCHEDULE AND COST ALLOCATIONS APPLICABLE TO THE ISSUANCE OF BONDS BY THE WEST VIRGINIA HOSPITAL FINANCE AUTHORITY

§116-1-1. General.

1.1. Scope. -- This legislative rule establishes the fee schedule and the allocation of costs applicable to the issuance of bonds of the West Virginia Hospital Finance Authority.

1.2. Authority. -- W. Va. Code §16-29A-5(e).

1.3. Filing Date. –

1.4. Effective Date --

§116-1-2. Establishment Of Fee Schedule For The Issuance Of Bonds Of West Virginia Hospital Finance Authority.

2.1. Pursuant to the provisions of West Virginia Code §16-29A-5(e), the West Virginia Hospital Finance Authority ~~hereby adopts and~~ establishes the following fee schedule for the issuance of the bonds of the Authority:

Fee Schedule

For Single Projects (projects involving only one (1) hospital in only one (1) county):

Initial Fee

$300.00 per million dollars issued

~~$2,000.00 minimum fee~~<u>$45,000.00 maximum fee</u>

Annual Fee

Maximum of 1/20th of 1% of bonds outstanding

For Financing Pools and Multi-County Projects (projects involving more than one (1) hospital or involving one (1) hospital in more than one (1) county:

Initial Fee

$600.00 per million dollars issued for the first ten million dollars ($10,000,000) of an issue

$375.00 per million dollars issued over the first ten million dollars of an issue
$5,000.00 minimum fee

Annual Fee

Maximum of 1/20th of 1% of bonds outstanding

For Refunding Bonds of the Authority:

Initial Fee

$2,000.00

Annual Fee

Maximum of 1/20th of 1% of bonds outstanding.

2.2. ~~(NOTE:~~ The initial fees will be applied in proportion to any fraction of a million dollars issued.~~)~~

2.3. ~~(NOTE:~~ The annual fees may be waived or reduced by the Authority as provided for in Section 2.~~3~~5 of this Rule.~~)~~

2.~~2~~4. The initial fees ~~shall be~~are payable at closing out of the proceeds of the bond issue.

2.~~3~~5. The ~~annual fees may be waived or reduced by the~~ Authority may waive or reduce the annual fees if the Authority determines that ~~said~~the fees are not needed for the payment of the operating expenses of the Authority: **Provided,** That in no event shall the annual fee of an issue exceed ~~such~~the issue's proportionate share of the projected operating expenses of the Authority for the year of assessment as ~~such~~the expenses are shown in the proposed budget adopted by the Authority for ~~said~~the year of assessment: **Provided ~~further~~however,** That in no event shall the annual fee established ~~herein~~in this Section for an issue exceed $1/20^{th}$ of 1% of the bonds outstanding for ~~such~~that issue.

2.4~~6~~. The annual fees ~~shall be~~are payable annually on or about September 30 of each year, the date to be as determined by the Authority~~the anniversary date of the respective issues, as calculated as of the date thirty (30) days immediately preceding said anniversary date~~.

§116-1-3. Allocation Of Costs Applicable To Issuance Of Bonds Of West Virginia Hospital Finance Authority

3.1. The Authority may allocate any or ~~A~~all costs incurred by the Authority that can be directly attributed to a bond issue pending before the Authority ~~shall be allocated by the Authority~~ to that bond issue and ~~such~~the allocated costs ~~so allocated~~ shall be paid at closing out of the proceeds of that bond issue. All ~~such~~allocated costs are ~~so allocated shall be~~ in addition to the fees established in Section 2 of this Rule.

3.2. Without limiting in any manner the costs that may be allocated pursuant to Section 3.1 of this Rule, the Authority may allocate any or all legal and other professional fees incurred by the Authority that can be directly attributed to a bond issue ~~may be allocated by the Authority~~ to that bond issue and ~~such~~the legal and other professional fees ~~so~~ allocated shall be paid at closing out of the proceeds of that bond issue. All ~~such~~ costs ~~so~~ allocated shall be in addition to the fees established in Section 2 of this Rule.

3.3. In the event that a bond issue is not consummated for any reason, whether by action of the Authority or otherwise, the Authority may allocate any or all costs incurred by the Authority that can be directly attributed to ~~such~~the bond issue, including any legal and other professional fees, ~~may be allocated by the Authority~~ to that bond issue and ~~such~~the costs ~~so~~ allocated shall be paid by the hospital, corporation, association or other entity, if any, that proposed or requested ~~such~~the bond issue.

§116-1-4. Amendment Of Fee Schedule.

4.1. The Authority may amend, in accordance with law, the fee schedule by the affirmative vote of four (4) board members and any ~~such~~ amendment shall be binding and applicable to all issues outstanding at the time of the~~such~~ action and to all subsequent issues: **Provided,** That in no event shall the annual fees established in this Rule exceed an issue's proportionate share of the projected operating expenses of the Authority for the year of assessment as shown in the proposed budget adopted by the Authority for ~~said~~the year of assessment: **Provided further,** That in no event shall the annual fee established in this Rule for an issue exceed 1/20th of 1% of the bonds outstanding for ~~such~~the issue.

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