

FILED

JUN 19 2003

IN THE OFFICE OF
JOE MANCHIN III
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2003

ENROLLED

SENATE BILL NO. 2015

(By Senator HELMICK, ET AL)

PASSED JUNE 14, 2003

In Effect FROM Passage

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Senate Bill No. 2015

(BY SENATORS HELMICK, SHARPE, CHAFIN, PLYMALE, PREZIOSO,
EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, DEMPSEY, BOLEY,
MINEAR, FACEMYER, GUILLS AND SPROUSE)

[Passed June 14, 2003; in effect from passage.]

AN ACT to amend and reenact section eleven, article one, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section nine-a, article twenty-two, chapter twenty-nine of said code, all relating to the receipt and disbursement of funds for the architectural fees and project costs for the construction of a veterans' nursing home; and clarifying that only operational costs are appropriated by the Legislature.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section nine-a, article twenty-two, chapter twenty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 9A. VETERANS AFFAIRS.

ARTICLE 1. DIVISION OF VETERANS AFFAIRS.**§9A-1-11. Establishment of veterans facilities support fund; authorized expenditures.**

1 There is hereby created in the state treasury a special
2 revenue fund to be designated and known as the veterans
3 facilities support fund. All interest or other returns earned
4 on the investment of the moneys in the fund shall be
5 credited to the fund. Funds paid into the account shall be
6 derived from the following sources: (1) Any gift, grant,
7 bequest, endowed fund or donation which may be received
8 by any veterans facility created by statute from any
9 governmental entity or unit or any person, firm, founda-
10 tion or corporation; and (2) all interest or other return on
11 investment accruing to the fund. Moneys in the fund are
12 to be used for the operational costs of any veterans facility
13 created by statute, the acquisition, design, construction,
14 equipping, furnishing, including, without limitation, the
15 payment of debt service on bonds issued to finance the
16 foregoing and/or as otherwise designated or specified by
17 the donor. Any balance, including accrued interest or
18 other earnings, in this special fund at the end of any fiscal
19 year shall not revert to the general revenue fund but shall
20 remain in the fund. Funds from the veterans facility
21 support fund for operational costs will be distributed by
22 appropriation of the Legislature. Funds from the veterans
23 facility support fund for the acquisition, design, construc-
24 tion, equipping, furnishing, including, without limitation,
25 the payment of debt service on bonds issued to finance the
26 veterans nursing home shall be transferred to the veterans
27 nursing home building fund upon written request of the
28 director of the division of veterans affairs to the invest-
29 ment management board and the state treasurer in accor-
30 dance with the provisions of this section.

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

§29-22-9a. Veterans instant lottery scratch-off game.

1 (a) Beginning the first day of September, two thousand,
2 the commission shall establish an instant lottery
3 scratch-off game designated as the veterans benefit game,
4 which is offered by the lottery.

5 (b) Notwithstanding the provisions of section eighteen of
6 this article, all net profits received from the sale of veter-
7 ans benefit game lottery tickets, materials and games are
8 deposited with the state treasurer into the veterans lottery
9 fund created under subsection (c) of this section. The
10 Legislature may make appropriations from this fund for
11 operational costs from moneys remaining in the veterans
12 lottery fund after the acquisition, design, construction,
13 equipping, furnishing, including, without limitation, the
14 payment of debt service on bonds issued to finance the
15 foregoing, have been paid. Funds from the veterans lottery
16 fund for the acquisition, design, construction, equipping,
17 furnishing, including, without limitation, the payment of
18 debt service on bonds issued to finance the construction of
19 a veterans nursing home shall be transferred to the
20 veterans nursing home building fund upon written request
21 of the director of the division of veterans affairs to the
22 investment management board and the state treasurer in
23 accordance with the provisions of this section. Once the
24 payment of the principal and interest, any required
25 operational costs and architectural and other project costs
26 associated with construction are paid in full for the
27 construction and operation of the initial veterans skilled
28 nursing facility, the Legislature may appropriate from the
29 fund created under this section moneys for the construc-
30 tion, including the architectural fees and other associated
31 costs, equipping and operation of additional skilled
32 nursing facilities for veterans of the armed forces of the
33 United States military: *Provided*, That after the payment
34 of the above-mentioned items, the Legislature may
35 appropriate any excess funds to the general revenue fund.

36 (c) There is hereby created in the state treasury a special
37 revenue fund designated and known as the veterans lottery
38 fund which shall consist of all revenues derived from the
39 veterans benefit game and any appropriations to the fund
40 by the Legislature and all interest or other returns earned
41 from investment of the fund.

42 (d) There is hereby created in the state treasury a special
43 revenue fund designated and known as the veterans
44 nursing home building fund which shall consist of all
45 funds for the acquisition, design, construction, equipping,
46 furnishing, including, without limitation, the payment of
47 debt service on bonds issued to finance the foregoing.
48 Following the selection of the architect, the director shall
49 certify the estimated total cost of the architect and all
50 construction and associated costs to the joint committee on
51 government and finance prior to the transfer of funds for
52 construction. If funds transferred exceed the estimated
53 costs certified to the joint committee, the director shall
54 certify the additional costs to the joint committee.

55 (e) There is hereby created in the state treasury a special
56 revenue fund designated and known as the veterans
57 nursing home debt service fund to which the required
58 funding from the veterans nursing home building fund is
59 transferred to refund revenue bonds to pay the principal,
60 interest, redemption premium and coverage ratio require-
61 ment, if any, on the revenue bonds issued under the
62 provisions of section seven, article twenty-nine-a, chapter
63 sixteen of this code. The veterans nursing home debt
64 service fund has first priority to all funds in the veterans
65 nursing home building fund established herein not other-
66 wise designated or specified by the donor. Beginning on or
67 before the twenty-eighth day of July, two thousand three,
68 and continuing until the twenty-eighth day of June, two
69 thousand thirty-five, the treasurer shall allocate to the
70 veterans nursing home debt service fund from the veterans
71 nursing home building fund, as a first priority, an amount
72 equal to one tenth of the projected annual principal,

73 interest, redemption premium and coverage ratio require-
74 ment on any and all revenue bonds and refunding bonds
75 issued, or to be issued, on or after the first day of July, two
76 thousand three, under the provisions of said section in
77 connection with a veterans nursing home as certified to the
78 treasurer and the investment management board by the
79 director of the division of veterans affairs. In the event
80 there are insufficient funds available in any month to
81 transfer the amount required pursuant to this subsection
82 to the veterans nursing home debt service fund, the
83 deficiency shall be added to the amount transferred in the
84 next succeeding month in which revenues are available to
85 transfer the deficiency.

86 (f) The commission shall change the design or theme of
87 the veterans benefit game regularly so that the game
88 remains competitive with the other instant lottery
89 scratch-off games offered by the commission. The tickets
90 for the instant lottery game created in this section shall
91 clearly state that the profits derived from the game are
92 being used to benefit veterans in this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

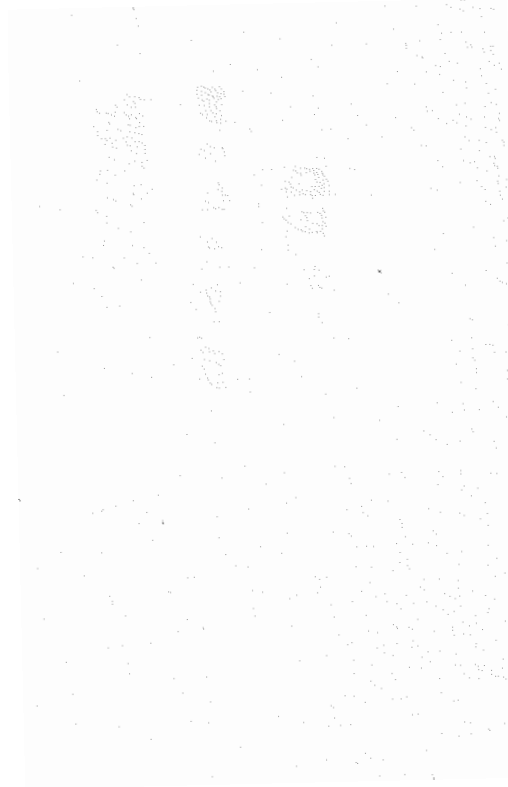
[Handwritten Signature]
.....
Speaker House of Delegates

The within is approved this the 10th day of June, 2003.
[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 6/19/03

Time 4:45



FILED

2003 JUN 19 P 5:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE