

SB 505

FILED

2008 MAR 20 AM 11:19

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR

ENROLLED

Senate Bill No. 505

(SENATORS TOMBLIN, MR. PRESIDENT, HUNTER, FOSTER,
LOVE, KESSLER, BOLEY, MCKENZIE, JENKINS, PLYMALE,
WELLS, UNGER, MINARD, BAILEY,
SYPOLT AND EDGELL, *original sponsors*)

[Passed March 4, 2008; in effect from passage.]

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SECRETARY OF STATE

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[Passed March 4, 2008; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§9A-1-11a; and to amend and reenact §29-22-9a of said code, all relating to creating the Veterans Cemetery Fund for the construction and operation of veterans' cemeteries; and authorizing the appropriation of proceeds from the veterans instant lottery scratch-off game to the fund.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §9A-1-11a; and that §29-22-9a of said code be amended and reenacted, all to read as follows:

CHAPTER 9A. VETERANS' AFFAIRS.

ARTICLE 1. DIVISION OF VETERANS' AFFAIRS.

§9A-1-11a. Establishment of Veterans Cemetery Fund.

1 There is hereby created in the State Treasury a special
2 revenue fund to be designated and known as the
3 Veterans Cemetery Fund which shall consist of excess
4 revenues derived from the veterans instant lottery
5 scratch-off game as appropriated to the fund by the
6 Legislature and all interest or other returns earned
7 from investment of the fund. Funds may also be
8 derived from any gift, grant, bequest, endowed fund or
9 donation which may be received by any veterans
10 cemetery created by statute from any governmental
11 entity or unit or any person, firm, foundation or
12 corporation. Any balance, including accrued interest or
13 other earnings, in this special fund at the end of any
14 fiscal year shall not revert to the General Revenue Fund
15 but shall remain in the fund.

**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
2 thousand, the commission shall establish an instant
3 lottery scratch-off game designated as the veterans
4 benefit game, which is offered by the lottery.

5 (b) Notwithstanding the provisions of section eighteen
6 of this article, all net profits received from the sale of
7 veterans benefit game lottery tickets, materials and
8 games are deposited with the State Treasurer into the
9 Veterans Lottery Fund created under subsection (c) of
10 this section. The Legislature may make appropriations
11 from this fund for operational costs from moneys
12 remaining in the Veterans Lottery Fund after the
13 acquisition, design, construction, equipping, furnishing,
14 including, without limitation, the payment of debt
15 service on bonds issued to finance the foregoing, have
16 been paid. Funds from the Veterans Lottery Fund for
17 the acquisition, design, construction, equipping,
18 furnishing, including, without limitation, the payment
19 of debt service on bonds issued to finance the
20 construction of a veterans nursing home and/or
21 veterans cemetery, shall be transferred to the Veterans
22 Nursing Home Building Fund and the Veterans
23 Cemetery Fund upon written request of the Director of
24 the Division of Veterans Affairs to the investment
25 management board and the State Treasurer in
26 accordance with the provisions of this section. Once the
27 payment of the principal and interest, any required
28 operational costs and architectural and other project

29 costs associated with construction are paid in full for
30 the construction and operation of the initial veterans
31 skilled nursing facility or veterans cemetery, the
32 Legislature may appropriate from the fund created
33 under this section moneys for the construction,
34 including the architectural fees and other associated
35 costs, equipping and operation of additional skilled
36 nursing facilities and/or cemeteries for veterans of the
37 armed forces of the United States military: *Provided,*
38 That in addition to the payment of the
39 above-mentioned items, funds may be deposited in the
40 Veterans Cemetery Fund created in section eleven-a,
41 article one, chapter nine-a of this code and, thereafter,
42 the Legislature may appropriate any excess funds to the
43 General Revenue Fund.

44 (c) There is hereby created in the State Treasury a
45 special revenue fund designated and known as the
46 Veterans Lottery Fund which shall consist of all
47 revenues derived from the veterans benefit game and
48 any appropriations to the fund by the Legislature and
49 all interest or other returns earned from investment of
50 the fund.

51 (d) There is hereby created in the State Treasury a
52 special revenue fund designated and known as the
53 Veterans Nursing Home Building Fund which shall
54 consist of all funds for the acquisition, design,
55 construction, equipping, furnishing, including, without
56 limitation, the payment of debt service on bonds issued
57 to finance the foregoing. Following the selection of the
58 architect, the director shall certify the estimated total
59 cost of the architect and all construction and associated
60 costs to the Joint Committee on Government and
61 Finance prior to the transfer of funds for construction.

62 If funds transferred exceed the estimated costs certified
63 to the joint committee, the director shall certify the
64 additional costs to the joint committee.

65 (e) There is hereby created in the State Treasury a
66 special revenue fund designated and known as the
67 Veterans Nursing Home Debt Service Fund to which
68 the required funding from the Veterans Nursing Home
69 Building Fund is transferred to refund revenue bonds
70 to pay the principal, interest, redemption premium and
71 coverage ratio requirement, if any, on the revenue
72 bonds issued under the provisions of section seven,
73 article twenty-nine-a, chapter sixteen of this code. The
74 Veterans Nursing Home Debt Service Fund has first
75 priority to all funds in the Veterans Nursing Home
76 Building Fund established herein not otherwise
77 designated or specified by the donor. Beginning on or
78 before the twenty-eighth day of July, two thousand
79 three, and continuing until the twenty-eighth day of
80 June, two thousand thirty-five, the Treasurer shall
81 allocate to the Veterans Nursing Home Debt Service
82 Fund from the Veterans Nursing Home Building Fund,
83 as a first priority, an amount equal to one tenth of the
84 projected annual principal, interest, redemption
85 premium and coverage ratio requirement on any and all
86 revenue bonds and refunding bonds issued, or to be
87 issued, on or after the first day of July, two thousand
88 three, under the provisions of said section in connection
89 with a veterans nursing home as certified to the
90 Treasurer and the Investment Management Board by
91 the Director of the Division of Veterans Affairs. In the
92 event there are insufficient funds available in any
93 month to transfer the amount required pursuant to this
94 subsection to the Veterans Nursing Home Debt Service
95 Fund, the deficiency shall be added to the amount

96 transferred in the next succeeding month in which
97 revenues are available to transfer the deficiency.

98 (f) The commission shall change the design or theme
99 of the veterans benefit game regularly so that the game
100 remains competitive with the other instant lottery
101 scratch-off games offered by the commission. The
102 tickets for the instant lottery game created in this
103 section shall clearly state that the profits derived from
104 the game are being used to benefit veterans in this state.

7 [Enr. Com. Sub. for Com. Sub. for S. B. No. 505

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


.....
Chairman Senate Committee

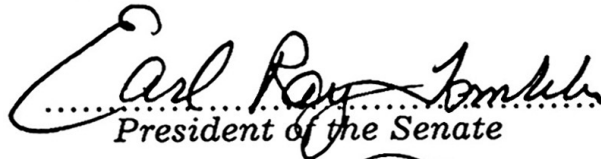

.....
Chairman House Committee

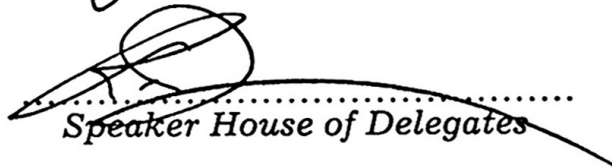
Originated in the Senate.

In effect from passage.


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Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this
the *20th* Day of *May*, 2008.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:10am