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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1991

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 223

(By ~~Delegate~~ *Mr. Speaker Mr. Chambers*)
[By Request of the Executive]

— ● —

Passed October 16, 1991

In Effect From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 223

(By MR. SPEAKER, MR. CHAMBERS)
[By Request of the Executive]

[Passed October 16, 1991; in effect from passage.]

AN ACT to amend and reenact section five, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article six by adding thereto a new section, designated section five-a, all relating to the creation of a special revenue account in the state treasury for the state building commission, known as the asbestos account; setting forth the purposes for which funds from the account may be used; specifying the source of moneys for the account; prohibiting payment from the account for any type of disability claims; payment of prior expenses of the attorney general; and repayment of general revenue funds.

Be it enacted by the Legislature of West Virginia:

That section five, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article six be further amended by adding thereto a new section, designated section five-a, all to read as follows:

ARTICLE 6. STATE BUILDING COMMISSION.

§5-6-5. Deposit and disbursement of funds of commission; security for deposits; audits.

1 Except as provided in section five-a of this article, all
2 moneys of the commission from whatever source derived
3 shall be paid to the treasurer of the state of West
4 Virginia who shall not commingle said moneys, but shall
5 deposit them to a special revenue account to be known
6 as the "State Building Commission Fund." The moneys
7 in the account shall be impressed with and subject to
8 the lien or liens thereon in favor of the bondholders
9 provided in the proceedings for issuance of bonds
10 pursuant to this article. The moneys in the account shall
11 be paid out on check of the treasurer on requisition of
12 the chairman of the commission, or of such other person
13 as the commission may authorize to make such requi-
14 sition. All deposits of such moneys shall, if required by
15 the treasurer or the commission, be secured by obliga-
16 tions of the United States, of the state of West Virginia,
17 or of the commission, of a market value equal at all
18 times to the amount of the deposit, and all banking
19 institutions are authorized to give such security for such
20 deposits. The legislative auditor and his legally autho-
21 rized representatives are hereby authorized and empow-
22 ered from time to time to examine the accounts and
23 books of the commission, including its receipts, disbur-
24 sements, contracts, leases, sinking funds, investments
25 and any other matters relating to its financial standing.

§5-6-5a. Creation of asbestos account; purpose; funding; disbursements.

1 (a) There is hereby created in the state treasury a
2 separate special revenue account, which shall be an
3 interest bearing account, to be known as the "asbestos
4 account." The special revenue account shall consist of
5 recoveries from litigation pertaining to asbestos,
6 appropriations made by the Legislature, income from
7 the investment of moneys held in the special revenue
8 account and all other sums available for deposit to the
9 special revenue account from any source, public or
10 private and no expenditures for purposes of this section
11 are authorized from collections except in accordance
12 with the provisions of article three, chapter twelve of
13 this code and upon fulfillment of the provisions set forth
14 in article two, chapter five-a of this code. No expenses

15 incurred under this section shall be a charge against the
16 general funds of the state.

17 (b) Moneys in the special revenue account shall be
18 appropriated to the state building commission and used
19 exclusively, in accordance with appropriations by the
20 Legislature, to pay costs, fees and expenses incurred, or
21 to be incurred for the following purposes: (1) the
22 investigation and pursuit of claims against manufactur-
23 ers, suppliers and installers of asbestos or asbestos
24 containing materials; (2) all services relating to the
25 litigation involving the state and pertaining to asbestos
26 or asbestos containing materials; (3) the location,
27 treatment and abatement of asbestos or asbestos
28 containing materials by the state; (4) the development
29 of implementation, administration and management
30 manuals pertaining to asbestos or asbestos containing
31 materials and the treatment and/or abatement of
32 asbestos or asbestos containing materials; (5) the design,
33 implementation and management of all state buildings
34 containing asbestos and asbestos containing materials
35 for the proper treatment and/or abatement of asbestos
36 conditions as they arise and as are needed; (6) all other
37 related asbestos activities designed for the location,
38 treatment and abatement of such asbestos or asbestos
39 containing materials as are found in state buildings,
40 including buildings under the control of the university
41 of West Virginia board of trustees or the board of
42 directors of the state college system, and as determined
43 by the secretary of the department of administration;
44 and (7) all costs incurred in the administration of the
45 special revenue account.

46 (c) Any balance remaining in the special revenue
47 account at the end of any state fiscal year shall not
48 revert to the general revenue fund but shall remain in
49 the special revenue account and shall be used solely in
50 a manner consistent with this section. *Provided*, That
51 over the three succeeding fiscal years after the effective
52 date of this section, any appropriation made to the
53 special revenue account from general revenue shall be
54 repaid to the general revenue fund from moneys
55 available in the special revenue account.

56 (d) Disbursements from the special revenue account
57 shall be authorized by the secretary of the department
58 of administration or his designee. Moneys in the special
59 revenue account shall not be available for the payment
60 of any personal injury claims, workers' compensation
61 claims or other types of disability claims. Payment from
62 the special revenue account may be made for any
63 expense incurred by the attorney general prior to the
64 effective date of this section, including any expense
65 incurred in prior fiscal years, if the expense is directly
66 related to the litigation of matters pertaining to asbestos
67 and asbestos containing materials in which the state is
68 involved.

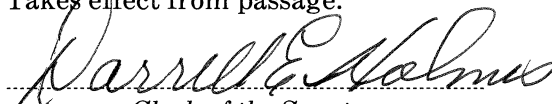
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

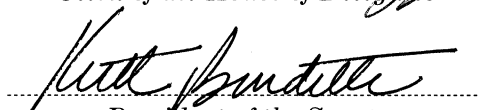

Chairman House Committee

Originating in the House.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved _____ this the 30th
day of October _____ 1991.


Governor

PRESENTED TO THE

GOVERNOR

Date 10/22/91

Time 10:05 Am