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SENATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2835**

(By Delegates Ennis, Manchin, Poling, Shelton  
Tucker, Smirl and Wakim)



Passed March 8, 2003

In Effect Ninety Days from Passage

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## H. B. 2835

(BY DELEGATES ENNIS, MANCHIN, POLING, SHELTON  
TUCKER, SMIRL AND WAKIM)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend article one, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven; and to amend and reenact section nine-a, article twenty-two, chapter twenty-nine of said code, all relating to establishing a special revenue fund to receive gifts and donations for the support of veterans facilities; authorized expenditures; renaming a special revenue fund and clarifying its purpose; and removing a statement implying restraints on funds to repay bonds.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven; 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 on  
4 the investment of the moneys in the fund shall be credited to the  
5 fund. Funds paid into the account shall be derived from the  
6 following sources: (1) Any gift, grant, bequest, endowed fund  
7 or donation which may be received by any veterans facility  
8 created by statute from any governmental entity or unit or any  
9 person, firm, foundation or corporation; and (2) all interest or  
10 other return on investment accruing to the fund. Moneys in the  
11 fund are to be used for the operational costs of any veterans  
12 facility created by statute or as otherwise designated or speci-  
13 fied by the donor. Any balance including accrued interest or  
14 other earnings in this special fund at the end of any fiscal year  
15 shall not revert to the general revenue fund but shall remain in  
16 the fund for use by the director of the division of veterans  
17 affairs for any operational costs of any veterans facility created  
18 by statute or as otherwise designated or specified by the donor.

**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, the  
2 commission shall establish an instant lottery scratch-off game

3 designated as the veterans benefit game, which is offered by the  
4 lottery.

5 (b) Notwithstanding the provisions of section eighteen of  
6 this article, and subject to the provisions of subsection (c) of  
7 this section, all net profits received from the sale of veterans  
8 benefit game lottery tickets, materials and games are deposited  
9 with the state treasurer into the veterans lottery fund created  
10 under this section, and upon the effective date of the enactment  
11 of this section in two thousand two, the Legislature may make  
12 appropriations from this fund for architectural and other project  
13 costs associated with construction, operational costs, and for  
14 payment of principal and interest for revenue bonds issued  
15 under provisions of section seven, article twenty-nine-a, chapter  
16 sixteen of this code: *Provided*, That once the payment of the  
17 principal and interest, any required operational costs, and  
18 architectural and other project costs associated with construc-  
19 tion are paid in full for the construction and operation of the  
20 initial veterans skilled nursing facility, the Legislature may  
21 appropriate from the fund created under this section moneys for  
22 the construction, including the architectural fees and other  
23 associated costs, equipping and operation of additional skilled  
24 nursing facilities for veterans of the armed forces of the United  
25 States military: *Provided, however*, That after the payment of  
26 the above-mentioned items, the Legislature may appropriate  
27 any excess funds to the general revenue fund.

28 (c) There is hereby created in the state treasury a special  
29 revenue fund designated and known as the veterans lottery fund  
30 which shall consist of all revenues derived from the veterans  
31 benefit game, and any appropriations to the fund by the  
32 Legislature and all interest or other returns earned from  
33 investment of the fund.

34 (d) There is hereby created in the state treasury a special  
35 revenue fund designated and known as the veterans nursing

36 home building fund which shall consist of all funds for the  
37 architectural and other project costs related to the construction  
38 of the veteran's nursing home. These funds shall be transferred  
39 from the veterans lottery fund to the veterans nursing home  
40 building fund upon written request of the director of the  
41 division of veterans affairs to the investment management  
42 board and the state treasurer. Following the selection of the  
43 architect, the director shall certify the estimated total cost of the  
44 architect and associated costs to the joint committee on govern-  
45 ment and finance prior to the transfer of funds. If funds trans-  
46 ferred exceed the estimated costs certified to the joint commit-  
47 tee, the director shall certify the additional costs to the joint  
48 committee.

49 (e) The commission shall change the design or theme of the  
50 veterans benefit game regularly so that the game remains  
51 competitive with the other instant lottery scratch-off games  
52 offered by the commission. The tickets for the instant lottery  
53 game created in this section shall clearly state that the profits  
54 derived from the game are being used to benefit veterans in this  
55 state.

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

*Cary Murr*  
Chairman Senate Committee

*Greg Butcher*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage

*Darrell G. Adams*  
Clerk of the Senate

*Gregg W. Boy*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*Tim W. Skiss*  
Speaker of the House of Delegates

The within *is approved* this the *2nd*  
day of *April*, 2003.

*Bob Wise*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/26/03

Time 4:00 pm