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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[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.


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

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

(b) Notwithstanding the provisions of section eighteen of this article, all net profits received from the sale of veterans benefit game lottery tickets, materials and games are deposited with the State Treasurer into the Veterans Lottery Fund created under subsection (c) of this section. The Legislature may make appropriations from this fund for operational costs from moneys remaining in the Veterans Lottery Fund after the acquisition, design, construction, equipping, furnishing, including, without limitation, the payment of debt service on bonds issued to finance the foregoing, have been paid. Funds from the Veterans Lottery Fund for the acquisition, design, construction, equipping, furnishing, including, without limitation, the payment of debt service on bonds issued to finance the construction of a veterans nursing home and/or veterans cemetery, shall be transferred to the Veterans Nursing Home Building Fund and the Veterans Cemetery Fund upon written request of the Director of the Division of Veterans Affairs to the investment management board and the State Treasurer in accordance with the provisions of this section. Once the payment of the principal and interest, any required operational costs and architectural and other project
costs associated with construction are paid in full for
the construction and operation of the initial veterans
skilled nursing facility or veterans cemetery, the
Legislature may appropriate from the fund created
under this section moneys for the construction,
including the architectural fees and other associated
costs, equipping and operation of additional skilled
nursing facilities and/or cemeteries for veterans of the
armed forces of the United States military: Provided,
That in addition to the payment of the
above-mentioned items, funds may be deposited in the
Veterans Cemetery Fund created in section eleven-a,
article one, chapter nine-a of this code and, thereafter,
the Legislature may appropriate any excess funds to the
General Revenue Fund.

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

(d) There is hereby created in the State Treasury a
special revenue fund designated and known as the
Veterans Nursing Home Building Fund which shall
consist of all funds for the acquisition, design,
construction, equipping, furnishing, including, without
limitation, the payment of debt service on bonds issued
to finance the foregoing. Following the selection of the
architect, the director shall certify the estimated total
cost of the architect and all construction and associated
costs to the Joint Committee on Government and
Finance prior to the transfer of funds for construction.
If funds transferred exceed the estimated costs certified to the joint committee, the director shall certify the additional costs to the joint committee.

(e) There is hereby created in the State Treasury a special revenue fund designated and known as the Veterans Nursing Home Debt Service Fund to which the required funding from the Veterans Nursing Home Building Fund is transferred to refund revenue bonds to pay the principal, interest, redemption premium and coverage ratio requirement, if any, on the revenue bonds issued under the provisions of section seven, article twenty-nine-a, chapter sixteen of this code. The Veterans Nursing Home Debt Service Fund has first priority to all funds in the Veterans Nursing Home Building Fund established herein not otherwise designated or specified by the donor. Beginning on or before the twenty-eighth day of July, two thousand three, and continuing until the twenty-eighth day of June, two thousand thirty-five, the Treasurer shall allocate to the Veterans Nursing Home Debt Service Fund from the Veterans Nursing Home Building Fund, as a first priority, an amount equal to one tenth of the projected annual principal, interest, redemption premium and coverage ratio requirement on any and all revenue bonds and refunding bonds issued, or to be issued, on or after the first day of July, two thousand three, under the provisions of said section in connection with a veterans nursing home as certified to the Treasurer and the Investment Management Board by the Director of the Division of Veterans Affairs. In the event there are insufficient funds available in any month to transfer the amount required pursuant to this subsection to the Veterans Nursing Home Debt Service Fund, the deficiency shall be added to the amount
transferred in the next succeeding month in which revenues are available to transfer the deficiency.

(f) The commission shall change the design or theme of the veterans benefit game regularly so that the game remains competitive with the other instant lottery scratch-off games offered by the commission. The tickets for the instant lottery game created in this section shall clearly state that the profits derived from the game are being used to benefit veterans in this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
Chairman Senate Committee

Chandy White
Chairman House Committee

Originated in the Senate.

In effect from passage.

Rasee Hashim
Clerk of the Senate

Gregory L. Campbell
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Jim轴
Speaker House of Delegates

The within .......... approved ............ this

Earl Ray Tomblin
Governor