

SB 682

FILED

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**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2008**

COMMITTEE SUBSTITUTE  
FOR

**ENROLLED**

**Senate Bill No. 682**

(SENATORS PLYMALE, EDGELL, UNGER, BAILEY,  
GREEN, HUNTER, OLIVERIO, STOLLINGS, WELLS,  
WHITE, GUILLS AND HALL, *original sponsors*)

[Passed March 8, 2008; in effect from passage.]

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SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 682**

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AN ACT to amend and reenact §18B-10-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22-18 of said code, all relating to creating a special revenue fund known as the Community and Technical College Capital Improvement Fund; providing for depositing funds pledged to repay principal, interest and/or redemption premium on certain bonds authorized by the

commission for community and technical college capital improvements; and allocating five million dollars to the Higher Education Policy Commission Community and Technical College Capital Improvement Fund for community and technical college education capital improvements.

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

That §18B-10-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §29-22-18 of said code be amended and reenacted, all to read as follows:

**CHAPTER 18B. HIGHER EDUCATION.**

**ARTICLE 10. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF HIGHER EDUCATION.**

**§18B-10-8. Collection; disposition and use of capital and auxiliary capital fees; creation of special capital and auxiliary capital improvements funds; revenue bonds.**

1 (a) This section and any rules adopted by the  
2 commission, council or both, in accordance with this  
3 section and article three-a, chapter twenty-nine-a of  
4 this code, governs the collection, disposition and use of  
5 the capital and auxiliary capital fees authorized by  
6 section one of this article. The statutory provisions  
7 governing collection and disposition of capital funds in  
8 place prior to the enactment of this section remain in  
9 effect.

10 (b) *Fees for full-time students.* — The governing  
11 boards shall fix capital and auxiliary capital fees for  
12 full-time students at each state institution of higher

13 education per semester. For institutions under its  
14 jurisdiction, a governing board may fix the fees at  
15 higher rates for students who are not residents of this  
16 state.

17 (c) *Fees for part-time students.* — For all part-time  
18 students and for all summer school students, the  
19 governing boards shall impose and collect the fees in  
20 proportion to, but not exceeding, the fees paid by full-  
21 time students. Refunds of the fees may be made in the  
22 same manner as any other fee collected at state  
23 institutions of higher education.

24 (d) There is continued in the State Treasury a special  
25 capital improvements fund and special auxiliary capital  
26 improvements fund for each state institution of higher  
27 education and the commission into which shall be paid  
28 all proceeds, respectively, of:

29 (1) The capital and auxiliary capital fees collected  
30 from students at all state institutions of higher  
31 education pursuant to this section; and

32 (2) The fees collected from the students pursuant to  
33 section one of this article. The fees shall be expended  
34 by the commission and governing boards for the  
35 payment of the principal of or interest on any revenue  
36 bonds issued by the board of regents or the succeeding  
37 governing boards for which the fees were pledged prior  
38 to the enactment of this section.

39 (e) The governing boards may make expenditures  
40 from any of the special capital improvements funds or  
41 special auxiliary capital improvement funds established  
42 in this section to finance, in whole or in part, together

43 with any federal, state or other grants or contributions,  
44 for any one or more of the following projects:

45 (1) The acquisition of land or any rights or interest in  
46 land;

47 (2) The construction or acquisition of new buildings;

48 (3) The renovation or construction of additions to  
49 existing buildings;

50 (4) The acquisition of furnishings and equipment for  
51 the buildings; and

52 (5) The construction or acquisition of any other  
53 capital improvements or capital education facilities at  
54 the state institutions of higher education, including any  
55 roads, utilities or other properties, real or personal, or  
56 for other purposes necessary, appurtenant or incidental  
57 to the construction, acquisition, financing and placing  
58 in operation of the buildings, capital improvements or  
59 capital education facilities, including student unions,  
60 dormitories, housing facilities, food service facilities,  
61 motor vehicle parking facilities and athletic facilities.

62 (f) The governing boards, in their discretion, may use  
63 the moneys in the special capital improvements funds  
64 and special auxiliary improvement funds to finance the  
65 costs of the purposes set forth in this section on a cash  
66 basis. The commission, when singly or jointly requested  
67 by the governing boards, periodically may issue revenue  
68 bonds of the state as provided in this section to finance  
69 all or part of the purposes and pledge all or any part of  
70 the moneys in such special funds for the payment of the  
71 principal of and interest on the revenue bonds, and for

72 reserves for the revenue bonds. Any pledge of the  
73 special funds for the revenue bonds shall be a prior and  
74 superior charge on the special funds over the use of any  
75 of the moneys in the funds to pay for the cost of any of  
76 the purposes on a cash basis. Any expenditures from  
77 the special funds, other than for the retirement of  
78 revenue bonds, may be made by the commission or  
79 governing boards only to meet the cost of a  
80 predetermined capital improvements program for one  
81 or more of the state institutions of higher education, in  
82 the order of priority agreed upon by the governing  
83 board or boards and the commission and for which the  
84 aggregate revenue collections projected are presented  
85 to the Governor for inclusion in the annual budget bill,  
86 and are approved by the Legislature for expenditure.

87 (g) The revenue bonds periodically may be authorized  
88 and issued by the commission or governing boards to  
89 finance, in whole or in part, the purposes provided in  
90 this section in an aggregate principal amount not  
91 exceeding the amount which the commission  
92 determines can be paid as to both principal and interest  
93 and reasonable margins for a reserve therefor from the  
94 moneys in the special funds.

95 (h) The issuance of the revenue bonds shall be  
96 authorized by a resolution adopted by the governing  
97 board receiving the proceeds and the commission and  
98 the revenue bonds shall bear the date or dates; mature  
99 at such time or times not exceeding forty years from  
100 their respective dates; be in such form either coupon or  
101 registered, with such exchangeability and  
102 interchangeability privileges; be payable in such  
103 medium of payment and at such place or places, within  
104 or without the state; be subject to such terms of prior

105 redemption at such prices not exceeding one hundred  
106 five per centum of the principal amount thereof; and  
107 shall have the other terms and provisions determined  
108 by the governing board receiving the proceeds and the  
109 commission. The revenue bonds shall be signed by the  
110 Governor and by the chancellor of the commission or  
111 the chair of the governing boards authorizing the  
112 issuance thereof, under the Great Seal of the State,  
113 attested by the Secretary of State, and the coupons  
114 attached to the revenue bonds shall bear the facsimile  
115 signature of the chancellor of the commission or the  
116 chair of the appropriate governing boards. The revenue  
117 bonds shall be sold in the manner the commission or  
118 governing board determines is for the best interests of  
119 the state.

120 (i) The commission or governing boards may enter  
121 into trust agreements with banks or trust companies,  
122 within or without the state, and in the trust agreements  
123 or the resolutions authorizing the issuance of the bonds  
124 may enter into valid and legally binding covenants with  
125 the holders of the revenue bonds as to the custody,  
126 safeguarding and disposition of the proceeds of the  
127 revenue bonds, the moneys in the special funds, sinking  
128 funds, reserve funds or any other moneys or funds; as to  
129 the rank and priority, if any, of different issues of  
130 revenue bonds by the commission or governing boards  
131 under the provisions of this section; as to the  
132 maintenance or revision of the amounts of the fees; as  
133 to the extent to which swap agreements, as defined in  
134 subsection (h), section two, article two-g, chapter  
135 thirteen of this code shall be used in connection with  
136 the revenue bonds, including such provisions as  
137 payment, term, security, default and remedy provisions  
138 as the commission shall consider necessary or desirable,

139 if any, under which the fees may be reduced; and as to  
140 any other matters or provisions which are considered  
141 necessary and advisable by the commission or  
142 governing boards in the best interests of the state and  
143 to enhance the marketability of the revenue bonds.

144 (j) After the issuance of any revenue bonds, the fees at  
145 the state institutions of higher education pledged to the  
146 payment thereof may not be reduced as long as any of  
147 the revenue bonds are outstanding and unpaid except  
148 under such terms, provisions and conditions as shall be  
149 contained in the resolution, trust agreement or other  
150 proceedings under which the revenue bonds were  
151 issued. The revenue bonds are and constitute  
152 negotiable instruments under the Uniform Commercial  
153 Code of this state; together with the interest thereon, be  
154 exempt from all taxation by the state of West Virginia,  
155 or by any county, school district, municipality or  
156 political subdivision thereof; and the revenue bonds  
157 may not be considered to be obligations or debts of the  
158 state and the credit or taxing power of the state may  
159 not be pledged therefor, but the revenue bonds shall be  
160 payable only from the revenue pledged therefor as  
161 provided in this section.

162 (k) Additional revenue bonds may be issued by the  
163 commission or governing boards pursuant to this  
164 section and financed by additional revenues or funds  
165 dedicated from other sources. There is hereby created  
166 in the State Treasury a special revenue fund known as  
167 the Community and Technical College Capital  
168 Improvement Fund into which shall be deposited the  
169 amounts specified in subsection (j), section eighteen,  
170 article twenty-two, chapter twenty-nine of this code.  
171 All amounts deposited in the fund shall be pledged to

172 the repayment of the principal, interest and redemption  
173 premium, if any, on any revenue bonds or refunding  
174 revenue bonds authorized by the commission for  
175 community and technical college capital improvements.

176 (l) Funding of systemwide and campus-specific  
177 revenue bonds under any other section of this code is  
178 continued and authorized pursuant to the terms of this  
179 section. Revenues of any state institution of higher  
180 education pledged to the repayment of any revenue  
181 bonds issued pursuant to this code shall remain  
182 pledged.

183 (m) Any revenue bonds for state institutions of higher  
184 education proposed to be issued under this section or  
185 other sections of this code first must be approved by the  
186 commission.

187 (n) Revenue bonds issued pursuant to this code may  
188 be issued by the commission or governing boards, either  
189 singly or jointly.

190 (o) Fees pledged for repayment of revenue bonds  
191 issued under this section or article twelve-b, chapter  
192 eighteen prior to the effective date of this section shall  
193 be transferred to the commission in a manner  
194 prescribed by the commission. The commission may  
195 transfer funds from the accounts of institutions pledged  
196 for the repayment of revenue bonds issued prior to the  
197 effective date of this section or issued subsequently by  
198 the commission upon the request of institutions, if an  
199 institution fails to transfer the pledged revenues to the  
200 commission in a timely manner.

201 (p) Effective the first day of July, two thousand four,

202 the capital and auxiliary capital fees authorized by this  
203 section and section one of this article are in lieu of any  
204 other fees set out in this code for capital and auxiliary  
205 capital projects to benefit public higher education  
206 institutions. Notwithstanding any other provisions of  
207 this code to the contrary, in the event any capital,  
208 tuition, registration or auxiliary fees are pledged to the  
209 payment of any revenue bonds issued pursuant to any  
210 general bond resolutions of the commission, any of its  
211 predecessors or any institution, adopted prior to the  
212 effective date of this section, such fees shall remain in  
213 effect in amounts not less than the amounts in effect as  
214 of that date, until the revenue bonds payable from any  
215 of the fees have been paid or the pledge of the fees is  
216 otherwise legally discharged.

**CHAPTER 29. MISCELLANEOUS  
BOARDS AND OFFICERS.**

**ARTICLE 22. STATE LOTTERY ACT.**

**§29-22-18. State Lottery Fund; appropriations and deposits;  
not part of general revenue; no transfer of state  
funds after initial appropriation; use and  
repayment of initial appropriation; allocation of  
fund for prizes, net profit and expenses; surplus;  
State Lottery Education Fund; State Lottery  
Senior Citizens Fund; allocation and  
appropriation of net profits.**

1 (a) There is continued a special revenue fund in the  
2 State Treasury which shall be designated and known as  
3 the State Lottery Fund. The fund consists of all  
4 appropriations to the fund and all interest earned from  
5 investment of the fund and any gifts, grants or  
6 contributions received by the fund. All revenues

7 received from the sale of lottery tickets, materials and  
8 games shall be deposited with the State Treasurer and  
9 placed into the State Lottery Fund. The revenue shall  
10 be disbursed in the manner provided in this section for  
11 the purposes stated in this section and shall not be  
12 treated by the Auditor and Treasurer as part of the  
13 general revenue of the state.

14 (b) No appropriation, loan or other transfer of state  
15 funds may be made to the commission or Lottery Fund  
16 after the initial appropriation.

17 (c) A minimum annual average of forty-five percent of  
18 the gross amount received from each lottery shall be  
19 allocated and disbursed as prizes.

20 (d) Not more than fifteen percent of the gross amount  
21 received from each lottery may be allocated to and may  
22 be disbursed as necessary for fund operation and  
23 administration expenses: *Provided*, That for the period  
24 beginning the first day of the month following the first  
25 passage of a referendum election held pursuant to  
26 section seven, article twenty-two-c of this chapter and  
27 for eighteen months thereafter, not more than seventeen  
28 percent of the gross amount received from each lottery  
29 shall be allocated to and may be disbursed as necessary  
30 for fund operation and administration expenses.

31 (e) The excess of the aggregate of the gross amount  
32 received from all lotteries over the sum of the amounts  
33 allocated by subsections (c) and (d) of this section shall  
34 be allocated as net profit. In the event that the  
35 percentage allotted for operations and administration  
36 generates a surplus, the surplus shall be allowed to  
37 accumulate to an amount not to exceed two hundred

38 fifty thousand dollars. On a monthly basis, the director  
39 shall report to the Joint Committee on Government and  
40 Finance of the Legislature any surplus in excess of two  
41 hundred fifty thousand dollars and remit to the State  
42 Treasurer the entire amount of those surplus funds in  
43 excess of two hundred fifty thousand dollars which  
44 shall be allocated as net profit.

45 (f) After first satisfying the requirements for funds  
46 dedicated to the School Building Debt Service Fund in  
47 subsection (h) of this section to retire the bonds  
48 authorized to be issued pursuant to section eight, article  
49 nine-d, chapter eighteen of this code, then satisfying the  
50 requirements for funds dedicated to the Education,  
51 Arts, Sciences and Tourism Debt Service Fund in  
52 subsection (i) of this section to retire the bonds  
53 authorized to be issued pursuant to section eleven-a,  
54 article six, chapter five of this code, and then satisfying  
55 the requirements for funds dedicated to the Community  
56 and Technical College Capital Improvement Fund in  
57 subsection (j) of this section to retire the bonds for  
58 community and technical college capital improvements  
59 authorized to be issued pursuant to section eight, article  
60 ten, chapter eighteen-b of this code, any and all  
61 remaining funds in the State Lottery Fund shall be  
62 made available to pay debt service in connection with  
63 any revenue bonds issued pursuant to section  
64 eighteen-a of this article, if and to the extent needed for  
65 such purpose from time to time. The Legislature shall  
66 annually appropriate all of the remaining amounts  
67 allocated as net profits in subsection (e) of this section,  
68 in such proportions as it considers beneficial to the  
69 citizens of this state, to: (1) The Lottery Education Fund  
70 created in subsection (g) of this section; (2) the School  
71 Construction Fund created in section six, article nine-d,

72 chapter eighteen of this code; (3) the Lottery Senior  
73 Citizens Fund created in subsection (k) of this section;  
74 and (4) the Division of Natural Resources created in  
75 section three, article one, chapter twenty of this code  
76 and the West Virginia Development Office as created in  
77 section one, article two, chapter five-b of this code, in  
78 accordance with subsection (l) of this section. No  
79 transfer to any account other than the School Building  
80 Debt Service Fund, the Education, Arts, Sciences and  
81 Tourism Debt Service Fund, the Community and  
82 Technical College Capital Improvement Fund, the  
83 Economic Development Project Fund created under  
84 section eighteen-a, article twenty-two, chapter  
85 twenty-nine of this code, or any fund from which debt  
86 service is paid under subsection (c), section eighteen-a  
87 of this article may be made in any period of time in  
88 which a default exists in respect to debt service on  
89 bonds issued by the School Building Authority, the  
90 State Building Commission, the Higher Education  
91 Policy Commission, the Economic Development  
92 Authority or which are otherwise secured by lottery  
93 proceeds. No additional transfer may be made to any  
94 account other than the School Building Debt Service  
95 Account and the Education, Arts, Sciences and Tourism  
96 Debt Service Fund and the Community and Technical  
97 College Capital Improvement Fund when net profits for  
98 the preceding twelve months are not at least equal to  
99 one hundred fifty percent of debt service on bonds  
100 issued by the School Building Authority, the State  
101 Building Commission and the Higher Education Policy  
102 Commission which are secured by net profits.

103 (g) There is continued a special revenue fund in the  
104 State Treasury which shall be designated and known as  
105 the Lottery Education Fund. The fund shall consist of

106 the amounts allocated pursuant to subsection (f) of this  
107 section, which shall be deposited into the Lottery  
108 Education Fund by the State Treasurer. The Lottery  
109 Education Fund shall also consist of all interest earned  
110 from investment of the Lottery Education Fund and  
111 any other appropriations, gifts, grants, contributions or  
112 moneys received by the Lottery Education Fund from  
113 any source. The revenues received or earned by the  
114 Lottery Education Fund shall be disbursed in the  
115 manner provided below and may not be treated by the  
116 Auditor and Treasurer as part of the general revenue of  
117 the state. Annually, the Legislature shall appropriate  
118 the revenues received or earned by the Lottery  
119 Education Fund to the state system of public and  
120 higher education for these educational programs it  
121 considers beneficial to the citizens of this state.

122 (h) On or before the twenty-eighth day of each month,  
123 as long as revenue bonds or refunding bonds are  
124 outstanding, the lottery director shall allocate to the  
125 School Building Debt Service Fund created pursuant to  
126 the provisions of section six, article nine-d, chapter  
127 eighteen of this code, as a first priority from the net  
128 profits of the lottery for the preceding month, an  
129 amount equal to one tenth of the projected annual  
130 principal, interest and coverage ratio requirements on  
131 any and all revenue bonds and refunding bonds issued,  
132 or to be issued, on or after the first day of April, one  
133 thousand nine hundred ninety-four, as certified to the  
134 lottery director in accordance with the provisions of  
135 section six, article nine-d, chapter eighteen of this code.  
136 In no event shall the monthly amount allocated exceed  
137 one million eight hundred thousand dollars, nor may  
138 the total allocation of the net profits to be paid into the  
139 School Building Debt Service Fund, as provided in this

140 section, in any fiscal year exceed the lesser of the  
141 principal and interest requirements certified to the  
142 lottery director or eighteen million dollars. In the event  
143 there are insufficient funds available in any month to  
144 transfer the amount required to be transferred pursuant  
145 to this subsection to the School Debt Service Fund, the  
146 deficiency shall be added to the amount transferred in  
147 the next succeeding month in which revenues are  
148 available to transfer the deficiency. A lien on the  
149 proceeds of the State Lottery Fund up to a maximum  
150 amount equal to the projected annual principal, interest  
151 and coverage ratio requirements, not to exceed  
152 twenty-seven million dollars annually, may be granted  
153 by the School Building Authority in favor of the bonds  
154 it issues which are secured by the net lottery profits.  
155 When the school improvement bonds, secured by profits  
156 from the lottery and deposited in the School Debt  
157 Service Fund, mature, the profits shall become  
158 available for debt service on additional school  
159 improvement bonds as a first priority from the net  
160 profits of the lottery or may at the discretion of the  
161 authority be placed into the School Construction Fund  
162 created pursuant to the provisions of section six, article  
163 nine-d, chapter eighteen of this code.

164 (i) Beginning on or before the twenty-eighth day of  
165 July, one thousand nine hundred ninety-six, and  
166 continuing on or before the twenty-eighth day of each  
167 succeeding month thereafter, as long as revenue bonds  
168 or refunding bonds are outstanding, the lottery director  
169 shall allocate to the Education, Arts, Sciences and  
170 Tourism Debt Service Fund created pursuant to the  
171 provisions of section eleven-a, article six, chapter five  
172 of this code, as a second priority from the net profits of  
173 the lottery for the preceding month, an amount equal to

174 one tenth of the projected annual principal, interest and  
175 coverage ratio requirements on any and all revenue  
176 bonds and refunding bonds issued, or to be issued, on or  
177 after the first day of April, one thousand nine hundred  
178 ninety-six, as certified to the lottery director in  
179 accordance with the provisions of that section. In no  
180 event may the monthly amount allocated exceed one  
181 million dollars nor may the total allocation paid into  
182 the Education, Arts, Sciences and Tourism Debt Service  
183 Fund, as provided in this section, in any fiscal year  
184 exceed the lesser of the principal and interest  
185 requirements certified to the lottery director or ten  
186 million dollars. In the event there are insufficient funds  
187 available in any month to transfer the amount required  
188 pursuant to this subsection to the Education, Arts,  
189 Sciences and Tourism Debt Service Fund, the  
190 deficiency shall be added to the amount transferred in  
191 the next succeeding month in which revenues are  
192 available to transfer the deficiency. A  
193 second-in-priority lien on the proceeds of the State  
194 Lottery Fund up to a maximum amount equal to the  
195 projected annual principal, interest and coverage ratio  
196 requirements, not to exceed fifteen million dollars  
197 annually, may be granted by the State Building  
198 Commission in favor of the bonds it issues which are  
199 secured by the net lottery profits.

200 (j) Beginning on or before the twenty-eighth day of  
201 July, two thousand eight, and continuing on or before  
202 the twenty-eighth day of each succeeding month  
203 thereafter, as long as revenue bonds or refunding bonds  
204 are outstanding, the lottery director shall allocate to the  
205 Community and Technical College Capital  
206 Improvement Fund, created pursuant to section eight,  
207 article ten, chapter eighteen-b of this code, as a third

208 priority from net profits of the lottery for the preceding  
209 month, an amount equal to one tenth of the projected  
210 annual principal, interest and coverage ratio  
211 requirements on any and all revenue bonds and  
212 refunding bonds issued or to be issued, on or after the  
213 first day of April, two thousand eight, as certified by  
214 the lottery director in accordance with the provisions of  
215 that section. In no event may the monthly amount  
216 allocated exceed five hundred thousand dollars nor may  
217 the total allocation paid to the Community and  
218 Technical Capital Improvement Fund, as provided in  
219 this section, in any fiscal year exceed the lesser of the  
220 principal and interest requirements certified to the  
221 lottery director or five million dollars. In the event  
222 there are insufficient funds available in any month to  
223 transfer the amount required pursuant to this  
224 subsection to the Community and Technical College  
225 Capital Improvement Fund, the deficiency shall be  
226 added to the amount transferred in the next succeeding  
227 month in which revenues are available to transfer the  
228 deficiency.

229 (1) A third-in-priority lien on the proceeds of the  
230 State Lottery Fund up to a maximum amount equal to  
231 the projected annual principal, interest and coverage  
232 ratio requirements, not exceeding seven and a half  
233 million dollars annually, may be granted by the Higher  
234 Education Policy Commission in favor of the bonds it  
235 issues which are secured by the net lottery profits.  
236 When the bonds secured by the profits from the lottery  
237 and deposited in the Education, Arts, Sciences and  
238 Tourism Debt Service Fund as provided in subsection  
239 (i) of this section mature or are paid in full, the bonds  
240 issued by the Higher Education Policy Commission for  
241 which lottery profits are pledged as provided in this

242 subsection shall be considered to have a second-in-  
243 priority lien on the net profits deposited in the State  
244 Lottery Fund.

245 (2) When the community and technical college capital  
246 improvement bonds secured by profits from the lottery  
247 and deposited in the Community and Technical College  
248 Capital Improvement Fund mature, the profits shall  
249 become available for debt service on additional  
250 community and technical college capital improvement  
251 bonds as a second priority from the net profits of the  
252 lottery.

253 (3) The Council for Community and Technical College  
254 Education shall approve all community and technical  
255 college capital improvement plans prior to the  
256 distribution of bond proceeds.

257 (k) There is continued a special revenue fund in the  
258 State Treasury which shall be designated and known as  
259 the Lottery Senior Citizens Fund. The fund shall  
260 consist of the amounts allocated pursuant to subsection  
261 (f) of this section, which amounts shall be deposited  
262 into the Lottery Senior Citizens Fund by the State  
263 Treasurer. The Lottery Senior Citizens Fund shall also  
264 consist of all interest earned from investment of the  
265 Lottery Senior Citizens Fund and any other  
266 appropriations, gifts, grants, contributions or moneys  
267 received by the Lottery Senior Citizens Fund from any  
268 source. The revenues received or earned by the Lottery  
269 Senior Citizens Fund shall be distributed in the manner  
270 provided below and may not be treated by the Auditor  
271 or Treasurer as part of the general revenue of the state.  
272 Annually, the Legislature shall appropriate the  
273 revenues received or earned by the Lottery Senior

274 Citizens Fund to any senior citizens medical care and  
275 other programs it considers beneficial to the citizens of  
276 this state.

277 (1) The Division of Natural Resources and the West  
278 Virginia Development Office, as appropriated by the  
279 Legislature, may use the amounts allocated to them  
280 pursuant to subsection (f) of this section for one or more  
281 of the following purposes: (1) The payment of any or all  
282 of the costs incurred in the development, construction,  
283 reconstruction, maintenance or repair of any project or  
284 recreational facility, as these terms are defined in  
285 section four, article five, chapter twenty of this code,  
286 pursuant to the authority granted to it under article  
287 five, chapter twenty of this code; (2) the payment,  
288 funding or refunding of the principal of, interest on or  
289 redemption premiums on any bonds, security interests  
290 or notes issued by the parks and recreation section of  
291 the Division of Natural Resources under article five,  
292 chapter twenty of this code; or (3) the payment of any  
293 advertising and marketing expenses for the promotion  
294 and development of tourism or any tourist facility or  
295 attraction in this state.

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

*Handy White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Darrell E. Gibbs*  
.....  
Clerk of the Senate

*Suzanne S.*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

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

The within *is approved* ..... this  
the *27<sup>th</sup>* Day of *March* ....., 2008.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 1 8 2008

Time 3:10 pm