



1 State Treasurer and placed in the West Virginia Lottery Racetrack  
2 Table Games Fund. The fund ~~shall be~~ is an interest-bearing account  
3 with all interest or other return earned on the money of the fund  
4 credited to and deposited in the fund.

5 (2) Notwithstanding any provision of this article to the  
6 contrary, all racetrack table games license fees received by the  
7 commission pursuant to section eight of this article shall be  
8 deposited into the Community-Based Service Fund which is continued  
9 in the State Treasury. Moneys of the fund shall be expended by the  
10 Bureau of Senior Services upon appropriation of the Legislature  
11 solely for the purpose of enabling the aged and disabled citizens  
12 of this state to maintain their residency in the community-based  
13 setting through the provision of home and community-based services.

14 (b) From the gross amounts deposited into the Racetrack Table  
15 Games Fund pursuant to subsection (a) of this section, the  
16 commission shall:

17 (1) Retain an amount for the administrative expenses of the  
18 commission as determined by the commission in accordance with  
19 subsection (e) of this section;

20 (2) Transfer two and one-half percent of adjusted gross  
21 receipts from all thoroughbred racetracks with West Virginia  
22 Lottery table games to the special funds established by each  
23 thoroughbred racetrack table games licensees for the payment of

1 regular racetrack purses, the amount being divided on a pro rata  
2 basis between the special funds of each thoroughbred racetrack  
3 table games licensee and transfer two and one-half percent of  
4 adjusted gross receipts from all greyhound racetracks with West  
5 Virginia Lottery table games to the special funds established by  
6 each greyhound racetrack table games licensees for the payment of  
7 regular racetrack purses, the amount being divided equally between  
8 the special funds of each greyhound racetrack table games licensee;

9       (3) Transfer two percent of the adjusted gross receipts from  
10 all licensed racetracks to the West Virginia Thoroughbred  
11 Development Fund created under section thirteen-b, article twenty-  
12 three, chapter nineteen of this code and the West Virginia  
13 Greyhound Breeding Development Fund created under section ten,  
14 article twenty-three, chapter nineteen of this code. The total  
15 amount transferred under this subdivision shall be divided pro rata  
16 among the development funds for each racetrack table games licensee  
17 based on relative adjusted receipts from each racetrack. The  
18 amounts transferred to these funds may not be used for the benefit  
19 of any person or activity other than at or associated with a  
20 racetrack table games licensee;

21       (4) Transfer one percent of the adjusted gross receipts from  
22 each licensed racetrack to the county commissions of the counties  
23 where racetracks with West Virginia Lottery table games are

1 located. County commissions may pledge this money to make payments  
2 on lottery revenue bonds issued pursuant to article two-h, chapter  
3 thirteen of this code. The one percent transferred under this  
4 subdivision shall be divided pro rata among the counties with a  
5 racetrack with West Virginia Lottery table games based on relative  
6 adjusted gross receipts from each county's racetrack: *Provided,*  
7 That the county board of education of a growth county, as that term  
8 is defined in section three, article twenty, chapter seven of this  
9 code, which has enacted the Local Powers Act, and in which county  
10 a racetrack is located that has participated in the West Virginia  
11 Thoroughbred Development Fund since on or before January 1, 1991,  
12 shall receive the one percent of adjusted gross receipts as  
13 provided in this subdivision for the purpose of public projects, as  
14 defined in section two, article two-h, chapter thirteen of this  
15 code or to make payments on lottery revenue bonds issued to finance  
16 public projects;

17 (5) Transfer two percent of the adjusted gross receipts from  
18 each licensed racetrack to the governing bodies of municipalities  
19 within counties where racetracks with West Virginia Lottery table  
20 games are located. Municipalities may pledge the money to make  
21 payments on lottery revenue bonds issued pursuant to article two-h,  
22 chapter thirteen of this code. This money shall be allocated as  
23 follows:

1           (A) One half of the amounts transferred under this subdivision  
2 shall be allocated to the municipalities within each county having  
3 a racetrack table games licensee, based on relative adjusted gross  
4 receipts from West Virginia Lottery table games from those  
5 racetracks and the total amount allocated to the municipalities  
6 within a county shall be divided pro rata among the municipalities  
7 based on each municipality's population determined at the most  
8 recent United States decennial census of population: *Provided,*  
9 That: (i) For each allocation, when a municipality is physically  
10 located in two or more counties, only that portion of its  
11 population residing in the county where the authorized table games  
12 are located shall be considered; (ii) a single municipality in a  
13 county where West Virginia Lottery racetrack table games are played  
14 may not receive a total share under this paragraph that is in  
15 excess of seventy-five percent of the total distribution under this  
16 paragraph for the county in which the municipality is located; and  
17 (iii) a municipality receiving moneys under this paragraph may not  
18 receive an amount which is less than that received by a  
19 municipality under provisions of subdivision (4), subsection (d) of  
20 this section; and

21           (B) One half of the amounts transferred under this subdivision  
22 shall be allocated pro rata to the municipalities within all the  
23 counties, having a racetrack table games licensee based on each

1 municipality's population determined at the most recent United  
2 States decennial census of population: *Provided, That:* (i) A  
3 municipality which received funds above its pro rata share pursuant  
4 to subpart (iii), paragraph (A) of this subdivision may not receive  
5 an allocation under this paragraph; (ii) for each allocation, when  
6 a municipality is physically located in two or more counties, only  
7 that portion of its population residing in the county where the  
8 authorized table games are located shall be considered; and (iii)  
9 a single municipality in a county where West Virginia Lottery  
10 racetrack games are played may not receive a total share under this  
11 paragraph that is in excess of twenty-five percent of the total  
12 transfers under this paragraph: *Provided, however,* That the county  
13 board of education of a growth county, as that term is defined in  
14 section three, article twenty, chapter seven of this code, which  
15 has enacted the Local Powers Act, and in which county a racetrack  
16 is located that has participated in the West Virginia Thoroughbred  
17 Development Fund since on or before January 1, 1991, shall receive  
18 the two percent of adjusted gross receipts as provided in this  
19 subdivision for the purpose of public projects, as defined in  
20 section two, article two-h, chapter thirteen of this code, or to  
21 make payments on lottery revenue bonds issued to finance the public  
22 projects;

23 (6) Transfer one half of one percent of the adjusted gross

1 receipts to the governing bodies of municipalities in which a  
2 racetrack table games licensee is located. The municipalities  
3 shall each receive an equal share of the total amount allocated  
4 under this subdivision ~~Provided,~~ except that distribution under  
5 this subdivision may not be made to any municipality which did not  
6 have a licensed racetrack within its municipal boundaries as they  
7 existed on January 1, 2007. ~~Provided, however, That~~ If no  
8 racetrack table games licensee is located within a municipality, a  
9 transfer may not be made under this subdivision. The municipality  
10 may pledge this money to make payments on lottery revenue bonds  
11 issued pursuant to article two-h, chapter thirteen of this code;  
12 and

13 (7) Distribute the remaining amounts, hereinafter referred to  
14 as the net amounts in the Racetrack Table Games Funds, in  
15 accordance with the provisions of subsection (d) of this section.

16 (c) Beginning with the fiscal year following the licensing of  
17 every licensed racetrack to offer West Virginia Lottery racetrack  
18 table games under this article, subsection (b) of this section  
19 ~~shall be~~ is superseded and replaced by this subsection for  
20 distribution of the balances in the fund established by subsection  
21 (a) of this section. From the gross amounts deposited into the  
22 fund, the commission shall:

23 (1) Retain an amount for the administrative expenses of the

1 commission as determined by the commission in accordance with  
2 subsection (e) of this section;

3       (2) Transfer two and one-half percent of adjusted gross  
4 receipts from all thoroughbred racetracks with West Virginia  
5 Lottery table games to the special funds established by each  
6 thoroughbred racetrack table games licensee for the payment of  
7 regular racetrack purses, the amount being divided on a pro rata  
8 basis between the special funds of each thoroughbred racetrack  
9 table games licensee and transfer two and one-half percent of  
10 adjusted gross receipts from all greyhound racetracks with West  
11 Virginia Lottery table games to the special funds established by  
12 each greyhound racetrack table games licensee for the payment of  
13 regular racetrack purses, the amount being divided equally between  
14 the special funds of each greyhound racetrack table games licensee;

15       (3) Transfer two percent of the adjusted gross receipts from  
16 all licensed racetracks to the West Virginia Thoroughbred  
17 Development Fund created under section thirteen-b, article twenty-  
18 three, chapter nineteen of this code and the West Virginia  
19 Greyhound Breeding Development Fund created under section ten,  
20 article twenty-three, chapter nineteen of this code. The total  
21 amount transferred under this subdivision shall be divided pro rata  
22 among the development funds for each racetrack table games licensee  
23 based on relative adjusted receipts from each racetrack. The



1 amounts transferred to these funds may not be used for the benefit  
2 of any person or activity other than at or associated with a  
3 racetrack table games licensee;

4       (4) Transfer two percent of the adjusted gross receipts from  
5 each licensed racetrack to the county commissions of the counties  
6 where racetracks with West Virginia Lottery table games are  
7 located. The money transferred under this subdivision shall be  
8 divided pro rata among the counties with a racetrack with West  
9 Virginia Lottery table games based on relative adjusted gross  
10 receipts from each county's racetrack: *Provided*, That the county  
11 board of education of a growth county, as that term is defined in  
12 section three, article twenty, chapter seven of this code, which  
13 has enacted the Local Powers Act, and in which a racetrack is  
14 located that has participated in the West Virginia Thoroughbred  
15 Development Fund since on or before January 1, 1991, shall receive  
16 one half of that county's share of adjusted gross receipts as  
17 provided in this subdivision for the purpose of ~~capital~~  
18 ~~improvements~~; public projects, as defined in section two, article  
19 two-h, chapter thirteen of this code, or to make payments on  
20 lottery revenue bonds issued pursuant to article two-h, chapter  
21 thirteen of this code to finance public projects.

22       (5) Transfer three percent of the adjusted gross receipts from  
23 each licensed racetrack to the governing bodies of municipalities

1 within counties where racetracks with West Virginia Lottery table  
2 games are located, which shall be allocated as follows:

3       (A) One half of the money transferred by this subdivision  
4 shall be allocated to the municipalities within each county, other  
5 than a county described in paragraph (C) of this subdivision,  
6 having a racetrack table games licensee based on relative adjusted  
7 gross receipts from West Virginia Lottery table games from those  
8 racetracks and the total amount allocated to the municipalities  
9 within a county shall be divided pro rata among the municipalities  
10 based on each municipality's population determined at the most  
11 recent United States decennial census of population: *Provided,*  
12 That: (i) For each allocation, when a municipality is physically  
13 located in two or more counties, only that portion of its  
14 population residing in the county where the authorized table games  
15 are located shall be considered; (ii) a single municipality in a  
16 county where West Virginia Lottery racetrack table games are played  
17 may not receive a total share under this paragraph that is in  
18 excess of seventy-five percent of the total distribution under this  
19 paragraph for the county in which the municipality is located; and  
20 (iii) a municipality receiving moneys under this paragraph may not  
21 receive an amount which is less than that received by a  
22 municipality under provisions of subdivision (4), subsection (d) of  
23 this section.

1           (B) One half of the money transferred under this subdivision  
2 shall be allocated pro rata to the municipalities within all the  
3 counties, other than a county described in paragraph (C) of this  
4 subdivision, having a racetrack table games licensee based on each  
5 municipality's population determined at the most recent United  
6 States decennial census of population: *Provided, That:* (i) A  
7 municipality which received funds above its pro rata share pursuant  
8 to subparagraph (iii), paragraph (A) of this subdivision shall not  
9 receive an allocation under this paragraph; (ii) for each  
10 allocation, when a municipality is physically located in two or  
11 more counties, only that portion of its population residing in the  
12 county where the authorized table games are located shall be  
13 considered; and (iii) a single municipality in a county where West  
14 Virginia Lottery racetrack games are played may not receive a total  
15 share under this paragraph that is in excess of twenty-five percent  
16 of the total transfers under this paragraph.

17           (C) Notwithstanding the provisions of paragraphs (A) and (B)  
18 of this subdivision, when a racetrack is located in a growth  
19 county, as that term is defined in section three, article twenty,  
20 chapter seven of this code, which has enacted the Local Powers Act,  
21 and in which county a racetrack is located that has participated in  
22 the West Virginia Thoroughbred Development Fund since on or before  
23 January 1, 1991, the county board of education shall receive two

1 thirds of the share of adjusted gross receipts from West Virginia  
2 Lottery table games from the racetrack in the county as provided in  
3 this subdivision and the municipalities within the county shall  
4 share the remaining one third of the total amount allocated as  
5 provided in this paragraph. The municipal one-third share shall be  
6 divided pro rata among the municipalities based on each  
7 municipality's population determined at the most recent United  
8 States decennial census of population. All money transferred under  
9 this paragraph shall be used by the county board of education and  
10 by the municipalities for the purpose of ~~capital improvements;~~  
11 public projects, as defined in section two, article two-h, chapter  
12 thirteen of this code, or to make payments on lottery revenue bonds  
13 issued pursuant to article two-h, chapter thirteen of this code to  
14 finance public projects.

15 (6) Transfer one half of one percent of the adjusted gross  
16 receipts to the governing bodies of municipalities in which a  
17 racetrack table games licensee is located. The municipalities  
18 shall each receive an equal share of the total amount allocated  
19 under this subdivision ~~Provided, except~~ that distribution under  
20 this subdivision may not be made to any municipality that did not  
21 have a licensed racetrack within its municipal boundaries as they  
22 existed on January 1, 2007, ~~Provided, however, That~~ and if no  
23 racetrack table games licensee is located within a municipality, a

1 transfer may not be made under this subdivision; and

2 (7) Distribute the remaining amounts, hereinafter referred to  
3 as the net amounts in the Racetrack Table Games Funds, in  
4 accordance with the provisions of subsection (d) of this section.

5 (d) From the net amounts in the Racetrack Table Games Fund,  
6 the commission shall:

7 (1) Transfer seventy-six percent to the State Debt Reduction  
8 Fund which is hereby continued in the State Treasury. Moneys of  
9 the fund shall be expended solely for the purpose of accelerating  
10 the reduction of existing unfunded liabilities and existing bond  
11 indebtedness of the state and shall be expended or transferred only  
12 upon appropriation of the Legislature;

13 (2) Transfer four percent, divided pro rata based on relative  
14 adjusted gross receipts from the individual licensed racetracks for  
15 and on behalf of all employees of each licensed racing association,  
16 into a special fund to be established by the Racing Commission to  
17 be used for payment into the pension plan for all employees of each  
18 licensed racing association;

19 (3) Transfer ten percent, to be divided and paid in equal  
20 shares, to each county commission in the state that is not eligible  
21 to receive a distribution under subdivision (4), subsection (b) of  
22 this section ~~Provided, That funds transferred to county commissions~~  
23 ~~under this subdivision shall~~ to be used only to pay regional jail

1 expenses and the costs of infrastructure improvements and other  
2 capital improvements ~~Provided, however,~~ except that up to fifty  
3 percent of these funds may be pledged to make payments on lottery  
4 revenue bonds issued pursuant to article two-h, chapter thirteen of  
5 this code; and

6           (4) Transfer ten percent, to be divided and paid in equal  
7 shares, to the governing bodies of each municipality in the state  
8 that is not eligible to receive a distribution under subdivisions  
9 (5) and (6), subsection (b) of this section ~~Provided, That funds~~  
10 ~~transferred to municipalities under this subdivision shall~~ to be  
11 used only to pay for debt reduction in municipal police and fire  
12 pension funds and the costs of infrastructure improvements and  
13 other capital improvements ~~Provided, however,~~ except that up to  
14 fifty percent of these funds may be pledged to make payments on  
15 lottery revenue bonds issued pursuant to article two-h, chapter  
16 thirteen of this code.

17           (e) All expenses of the commission incurred in the  
18 administration and enforcement of this article shall be paid from  
19 the Racetrack Table Games Fund, including reimbursement of state  
20 law-enforcement agencies for services performed at the request of  
21 the commission pursuant to this article. The commission's expenses  
22 associated with a particular racetrack with authorized table games  
23 under this article may not exceed three percent of the total annual

1 adjusted gross receipts received from that licensee's operation of  
2 table games under this article, including, but not limited to, all  
3 license fees or other amounts attributable to the licensee's  
4 operation of table games under this article, except as provided in  
5 subdivision (2), subsection (a) of this section. However, for the  
6 fiscal year following the licensing of every licensed racetrack to  
7 offer West Virginia Lottery racetrack table games under this  
8 article and for the fiscal year thereafter, the commission's  
9 expenses associated with a particular racetrack with authorized  
10 table games under this article may not exceed four percent of the  
11 total annual adjusted gross receipts received from that licensee's  
12 operation of table games under this article, including, but not  
13 limited to, all license fees or other amounts attributable to the  
14 licensee's operation of table games under this article, except as  
15 provided in subdivision (2), subsection (a) of this section. These  
16 expenses shall either be allocated to the racetrack with West  
17 Virginia Lottery table games for which the expense is incurred, if  
18 practicable, or be treated as general expenses related to all  
19 racetrack table games facilities and be allocated pro rata among  
20 the racetrack table games facilities based on the ratio that annual  
21 adjusted gross receipts from operation of table games at each  
22 racetrack with West Virginia Lottery table games bears to total  
23 annual adjusted gross receipts from operation of table games at all

1 racetracks with West Virginia Lottery table games during the fiscal  
2 year of the state. From this allowance, the commission shall  
3 transfer at least \$100,000 but not more than \$500,000 into the  
4 Compulsive Gambling Treatment Fund created in section nineteen,  
5 article twenty-two-a of this chapter.