

1 **H. B. 4333**

2
3 (By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

4 [By Request of the Executive]

5 [Introduced January 24, 2014; referred to the
6 Committee on Finance.]

**FISCAL
NOTE**

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10 A BILL to amend and reenact §29-22-18d of the Code of West
11 Virginia, 1931, as amended; and to amend said code by adding
12 thereto two new sections, designated §29-22A-10d and
13 §29-22A-10e; to amend said code by adding thereto a new
14 section, designated §29-22B-1409; to amend said code by adding
15 thereto a new section, designated §29-22C-27a; and to amend
16 said code by adding thereto a new section, designated
17 §29-25-22b, all relating to the redirection of certain Lottery
18 revenues to the State Excess Lottery Revenue Fund; changing
19 the distribution to the West Virginia Infrastructure Fund to
20 \$20 million for three years beginning in fiscal year 2014;
21 reducing certain racetrack video lottery and limited video
22 lottery net terminal income distributions by fifteen percent;
23 reducing certain table games adjusted gross receipts
24 distributions by fifteen percent; and reducing certain

1 distributions from adjusted gross receipts and net terminal
2 income from the historic resort hotel by fifteen percent.

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

4 That §29-22-18d of the Code of West Virginia, 1931, as
5 amended, be amended and reenacted; that said code be amended by
6 adding thereto two new sections, designated §29-22A-10d and
7 §29-22A-10e; that said code be amended by adding thereto a new
8 section, designated §29-22B-1409; that said code be amended by
9 adding thereto a new section, designated §29-22C-27a; and that said
10 code be amended by adding thereto a new section, designated
11 §29-25-22b, all to read as follows:

12 **ARTICLE 22. STATE LOTTERY ACT.**

13 **§29-22-18d. Increase in allocation to West Virginia**
14 **Infrastructure Fund from State Excess Lottery**
15 **Revenue Fund.**

16 Notwithstanding any provision of subsection (d), section
17 eighteen-a of this article to the contrary, the deposit of \$40
18 million into the West Virginia Infrastructure Fund set forth above
19 is for the fiscal year beginning July 1, 2010, only. For the fiscal
20 year beginning July 1, 2011, and each fiscal year thereafter, in
21 lieu of the deposits required under subdivision (5), subsection
22 (d), section eighteen-a of this article, the commission shall,
23 first, deposit \$6 million into the West Virginia Infrastructure

1 Lottery Revenue Debt Service Fund created in subsection (h),
2 section nine, article fifteen-a, chapter thirty-one of this code,
3 to be spent in accordance with the provisions of that subsection,
4 and, second deposit \$40 million into the West Virginia
5 Infrastructure Fund created in subsection (a), section nine,
6 article fifteen-a, chapter thirty-one of this code, to be spent in
7 accordance with the provisions of that article: Provided, That for
8 the fiscal year beginning July 1, 2014, and for two additional
9 fiscal years thereafter, the deposit to the West Virginia
10 Infrastructure Fund shall be \$20 million.

11 **ARTICLE 22A. RACETRACK VIDEO LOTTERY ACT.**

12 **§29-22A-10d. Changes in distribution of net terminal income.**

13 (1) Notwithstanding any provision of subsection (c), section
14 ten of this article to the contrary, for the fiscal year beginning
15 July 1, 2014, and each year thereafter, each distribution expressed
16 as a percentage of net terminal income, except those distributions
17 to be made pursuant to subdivisions (1), (7), paragraph (A) of
18 subdivision (9), and subparagraphs (i) and (ii), paragraph (B) of
19 subdivision (10), subsection (c), section 10 of this article, shall
20 be reduced by fifteen percent. All distributions expressed as a
21 dollar amount shall not be reduced.

22 (2) The total amount of reductions resulting from subsection
23 (1) of this section shall be paid into the State Excess Lottery
24 Revenue Fund, created by section eighteen-a, article twenty-two of

1 this chapter.

2 **§29-22A-10e. Changes in distribution of excess net terminal**
 3 **income.**

4 (1) Notwithstanding any provision of subsection (a), section
 5 ten-b of this article to the contrary, for the fiscal year
 6 beginning July 1, 2014, and each year thereafter, each distribution
 7 expressed as a percentage of net terminal income, except those
 8 distributions to be made pursuant to subdivisions (1), (7),
 9 paragraph (A) of subdivision (9), and paragraph (B) of subdivision
 10 (10), subsection (a), section 10-b of this article, shall be
 11 reduced by fifteen percent. All distributions expressed as a
 12 dollar amount shall not be reduced.

13 (2) The total amount of reductions resulting from subsection
 14 (1) of this section shall be paid into the State Excess Lottery
 15 Revenue Fund created in section eighteen-a, article twenty-two of
 16 this chapter.

17 **ARTICLE 22B. THE LIMITED VIDEO LOTTERY ACT.**

18 **§29-22b-1409. Changes in distribution of net terminal income.**

19 For the fiscal year beginning July 1, 2014, and each year
 20 thereafter, the distribution made pursuant to section 1408(b) (1) (A)
 21 shall be reduced by fifteen percent. The total amount of
 22 reductions shall be paid into the State Excess Lottery Revenue Fund
 23 created in section eighteen-a, article twenty-two of this chapter.

1 **ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.**

2 **§29-22C-27a. Changes in distribution of adjusted gross receipts.**

3 (1) Notwithstanding any provision of section twenty-seven of
4 this article to the contrary, for the fiscal year beginning July 1,
5 2014, and each year thereafter, each distribution expressed as a
6 percentage of adjusted gross receipts found in subsection (c),
7 except subdivisions (1) and (7) of that subsection, and subsection
8 (d), except subdivision (1) of that subsection, section
9 twenty-seven of this article, shall be reduced by fifteen percent.

10 (2) The total amount of reductions resulting from subsection
11 (1) of this section shall be paid into the State Excess Lottery
12 Revenue Fund created in section eighteen-a, article twenty-two of
13 this chapter.

14 **ARTICLE 25. AUTHORIZED GAMING FACILITY.**

15 **§29-25-22b. Changes in distribution of adjusted gross receipts and**
16 **net terminal income.**

17 (1) Notwithstanding any provision of section twenty-two of
18 this article to the contrary, for the fiscal year beginning July 1,
19 2014, and each year thereafter, after payment of the commission's
20 expenses pursuant to subsection (b), section twenty-two of this
21 article, each distribution made in subsection (d) of section
22 twenty-two from the balance of the Historic Resort Hotel Fund,
23 except subdivisions (1) and (2) of that subsection, shall be

1 reduced by fifteen percent.

2 (2) For the fiscal year beginning July 1, 2014, and each year
3 thereafter, distributions made pursuant to subsection (a), section
4 twenty-two-a of this article shall be reduced by fifteen percent.

5 (3) The total amount of reductions resulting from subsections
6 (1) and (2) of this section shall be paid into the State Excess
7 Lottery Revenue Fund created in section eighteen-a, article
8 twenty-two of this chapter.

NOTE: The purpose of this bill is to effect a fifteen percent reduction in all statutory transfers that are made outside of the budget process and redirect those funds to the State Excess Lottery Revenue Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§29-22A-10d, §29-22A-10e, §29-22B-1409, §29-22C-27a and §29-25-22b are new; therefore, it has been completely underscored.