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H. B. 2711

(By Delegates Marcum, H. White, R. Phillips, Rodighiero,
Eldridge and Campbell)

[Introduced February 12, 2015; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
11 designated §29-22-9b, relating to the state lottery; providing for a scratch-off game to fund
12 a drug treatment facility on post-mine land in Mingo and Logan Counties; creating a special
13 fund within the State Treasury; authorizing the Legislature to appropriate the special lottery
14 funds to construct and operate the drug treatment facility on post-mine land in Mingo and
15 Logan Counties; requiring the lottery commission to change the design or theme of game on
16 a regular basis; requiring the health care authority to conduct a survey to determine need for
17 beds at the prospective drug treatment facility in Mingo and Logan Counties; and requiring
18 the authority to report its findings to the joint committee on government and finance.

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

20 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
21 section, designated §29-22-9b, to read as follows:

22 **ARTICLE 22. MISCELLANEOUS BOARDS AND OFFICERS.**

23 **§29-22-9b. Say no to drugs instant lottery scratch-off game.**

1 (a) On or before September, 1, 2015, the commission shall establish an instant lottery
2 scratch-off game designated as the "Say No to Drugs" game, which shall be offered by the lottery.

3 (b) Notwithstanding the provisions of section eighteen of this article, and subject to the
4 provisions of subsection (d) of this section, all net profits received from the sale of "Say No to
5 Drugs" lottery tickets, materials and games shall be deposited with the State Treasurer into the "Say
6 No to Drugs" Lottery Fund created under this section.

7 (c) The Legislature may make appropriations from the "Say No to Drugs" Lottery Fund for
8 the construction and operation of an inpatient drug treatment facility in Mingo and Logan Counties,
9 which shall meet the following requirements:

10 (1) Be located on a reclaimed post mining site;

11 (2) House a jail for persons convicted of offenses related to substance abuse and sentenced
12 to less than one year imprisonment;

13 (3) Provide long and short term substance abuse treatment; and

14 (4) Provide counseling and psychiatric services.

15 (d) There is hereby created in the State Treasury a Special Revenue Fund designated and
16 known as the "Say No to Drugs" Fund which shall consist of all revenues derived from the "Say No
17 to Drugs" game, any appropriations to the fund by the Legislature, and all interest earned from
18 investment of the fund and any gifts, grants or contributions received by the fund. Revenues
19 received by the "Say No to Drugs" Lottery Fund shall be deposited in the West Virginia
20 consolidated investment pool with the West Virginia investment management board, with the
21 interest income a proper credit to all such funds.

22 (e) The commission shall change the design or theme of the "Say No to Drugs" game

1 regularly so that the game remains competitive with the other instant lottery scratch-off games
2 offered by the commission. The tickets for the instant lottery game created in this section shall
3 clearly state that the profits derived from the game are being used to benefit drug treatment efforts
4 in this state.

5 (f) The health care authority created under section five, article twenty-nine-b, chapter sixteen
6 of this code, shall conduct a survey to determine the number of beds needed for a drug treatment
7 facility in Mingo County. The authority shall report its findings to the Joint Committee on
8 Government and Finance by November 1, 2015.

NOTE: The purpose of this bill is to provide for a scratch-off game to fund a drug treatment facility in Mingo and Logan Counties; create a special fund within the State Treasury; authorize the Legislature to appropriate the special lottery funds to construct and operate the drug treatment facility in Mingo and Logan Counties; require the lottery commission to change design or theme of game on a regular basis; require the health care authority to conduct a survey to determine need for beds at the prospective drug treatment facility; and require the authority to report its findings to the Joint Committee on Government and Finance.

This section is new; therefore, it has been completely underscored.