

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4640

FISCAL
NOTE

By Delegate Espinosa and W. Clark

[Introduced January 12, 2024; Referred
to the Committee on Finance]

18 Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance
19 with appropriations.

20 (e) Prior to payment of any appropriation made pursuant to this section, debt service
21 payments payable from the State Excess Lottery Fund shall first be paid in accordance with the
22 provisions of §29-22A-18a, §29-22A-18d, and §29-22A-18-e of this code and in the priority as
23 defined by §29-22A-18f(c) of this code.

24 (f) Notwithstanding any other provision of this code to the contrary, after payment of debt
25 service from the State Excess Lottery Revenue Fund, all other distributions required by section
26 §29-22A-18a of this code and the distributions appropriated pursuant to this section shall be paid
27 on a pro rata basis.

28 (g)(1) Except as provided in subdivision (2) of this subsection, notwithstanding the
29 provisions of §29-22A-10(c)(9)(B) of this code, upon certification of the Governor to the Legislature
30 that an independent actuary has determined that the unfunded liability of the Old Fund, as defined
31 in chapter 23 of this code, has been paid or provided for in its entirety, the transfers made to the
32 Workers' Compensation Debt Reduction Fund pursuant to §29-22A-10(c)(9)(A) of this code shall
33 expire and those funds shall remain in the State Excess Lottery Revenue Fund subject to
34 appropriation.

35 (2)(A) Notwithstanding any provision of §29-22A-10(c)(9)(B) of this code or any other
36 provision of this code to the contrary, if the budget shortfall, as determined by the state Budget
37 Office as of December 1, 2015, is greater than \$100 million, then the Governor may, by Executive
38 Order, redirect deposits of revenues derived from net terminal income imposed under this article,
39 for any period commencing after February 29, 2016 and ending before July 1, 2016, to the General
40 Revenue Fund, instead of to the funds otherwise mandated in this article, in §23-2D-1 et seq. of
41 this code or in any other provision of this code.

42 (B) Notwithstanding any provision of subdivision (1) of this subsection or any provision of
43 §29-22A-10(c)(9)(B) of this code or any other provision of this code to the contrary, the Governor

44 may, by Executive Order, redirect one-half of the deposits of revenues derived from net terminal
 45 income imposed under this article, for any period commencing after June 30, 2016, and ending
 46 before July 1, 2017, to the General Revenue Fund, instead of to the funds otherwise mandated in
 47 this article, in §23-2D-1 et seq. of this code or in any other provision of this code, until certification
 48 of the Governor to the Legislature that an independent actuary has determined that the unfunded
 49 liability of the Old Fund, as defined in chapter 23 of this code, has been paid or provided for in its
 50 entirety.

**§29-22A-10e. Changes in distribution of excess net terminal income; distributions from
 excess lottery fund.**

1 (a) Notwithstanding any provision of subsection (a), section ten-b of this article to the
 2 contrary, for the fiscal year beginning July 1, 2014, and each fiscal year thereafter, each
 3 distribution, except those distributions to be made pursuant to §29-22A-10b(a) (1), (2), (3), (4), (5)
 4 and (7) of this code, shall be reduced by 100 percent. Payments shall not be made pursuant to
 5 §29-22A-10b of this code, other than those excepted by this subsection, and are made in lieu
 6 thereof in an amount to be determined by appropriation from the State Excess Lottery Revenue
 7 Fund.

8 (b) The total amount of reductions resulting from subsection (a) of this section shall be paid
 9 into the State Excess Lottery Revenue Fund created in §29-22-18a of this code. ~~For the fiscal year~~
 10 ~~beginning July 1, 2014, and each fiscal year thereafter, distributions to be made pursuant to~~
 11 ~~subdivisions (2) and (5), subsection (a), section ten-b of this article shall be reduced by ten~~
 12 ~~percent, and the amounts resulting from the reduction shall be paid into the State Excess Lottery~~
 13 ~~Revenue Fund~~

14 (c) Notwithstanding any other provision of this code to the contrary, for the fiscal year
 15 beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess
 16 Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance
 17 with appropriations.

18 (d) Prior to payment of any appropriation made pursuant to this section, debt service
19 payments payable from the State Excess Lottery Fund shall first be paid in accordance with the
20 §29-22-18a, §29-22-18d, and §29-22-18-e of this code and in the priority as defined by §29-22-
21 18f(c) of this code.

22 (e) Notwithstanding any other provision of this code to the contrary, after payment of debt
23 service from the State Excess Lottery Revenue Fund, all other distributions required by §29-22-
24 18a of this code and the distributions appropriated pursuant to this section shall be paid on a pro
25 rata basis.

26 (f)(1) Except as provided in subdivision (2) of this subsection, notwithstanding the
27 provisions of §29-22A-10b(9)(a)(B) of this code, upon certification of the Governor to the
28 Legislature that an independent actuary has determined that the unfunded liability of the Old Fund,
29 as defined in chapter 23 of this code, has been paid or provided for in its entirety, the transfers
30 made to the Workers' Compensation Debt Reduction Fund pursuant to §29-22A-10b(a)(9)9A of
31 this code shall expire and those funds shall remain in the State Excess Lottery Revenue Fund
32 subject to appropriation.

33 (2)(A) Notwithstanding any provision of subdivision (1) of this subsection or any provision
34 of §29-22A-10b(a)(9)(B) of this code or any other provision of this code to the contrary, if the
35 budget shortfall, as determined by the state Budget Office as of December 1, 2015, is greater than
36 \$100 million, then the Governor may, by Executive Order, redirect deposits of revenues derived
37 from net terminal income imposed under this article, for any period commencing after February 29,
38 2016 and ending before July 1, 2016, to the General Revenue Fund, instead of to the funds
39 otherwise mandated in this article, in §23-2D-1 et seq. of this code or in any other provision of this
40 code.

41 (B) Notwithstanding any provision of subdivision (1) of this subsection or any provision of
42 §29-22A-10b(a)(9)(B) of this code or any other provision of this code to the contrary, the Governor
43 may, by Executive Order, redirect one-half of the deposits of revenues derived from net terminal

44 income imposed under this article, for any period commencing after June 30, 2016, and ending
45 before July 1, 2017, to the General Revenue Fund, instead of to the funds otherwise mandated in
46 this article, in §23-2D-1 et seq. of this code or in any other provision of this code, until certification
47 of the Governor to the Legislature that an independent actuary has determined that the unfunded
48 liability of the Old Fund, as defined in chapter 23 of this code, has been paid or provided for in its
49 entirety.

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

§29-22C-27a. Changes in distribution of adjusted gross receipts; distributions from excess lottery fund.

1 (a) Notwithstanding any provision of §29-22C-27 of this code to the contrary, for the fiscal
2 year beginning July 1, 2014, and each fiscal year thereafter, the distribution directed pursuant to
3 subdivision (1), subsection (d) of that section shall be reduced by 100 percent.

4 (b) The total amount of reductions resulting from subsection (a) of this section shall be paid
5 into the State Excess Lottery Revenue Fund created in §29-22-18a of this code. ~~For the fiscal year~~
6 ~~beginning July 1, 2014, and each fiscal year thereafter, distributions to be made pursuant to~~
7 ~~subdivisions (2) and (3), subsection (c), section twenty-seven of this article shall be reduced by ten~~
8 ~~percent, and the amounts resulting from the reduction shall be paid into the State Excess Lottery~~
9 ~~Revenue Fund~~

10 (c) Notwithstanding any other provision of this code to the contrary, for the fiscal year
11 beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess
12 Lottery Revenue Fund pursuant to this section shall be expended by the Lottery in accordance
13 with appropriations.

14 (d) Prior to payment of any appropriation made pursuant to this section, debt service
15 payments payable from the State Excess Lottery Fund shall first be paid in accordance with the
16 provisions of §29-22-18a, §29-22-18d, and §29-22-18e of this code and in the priority as defined
17 by §29-22-18f(c) of this code.

18 (e) Notwithstanding any other provision of this code to the contrary, after payment of debt
19 service from the State Excess Lottery Revenue Fund, all other distributions required by §29-22-
20 18a of this code and the distributions appropriated pursuant to this section shall be paid on a pro
21 rata basis.

NOTE: The purpose of this bill is to restore moneys previously removed from net terminal income in 2014 and the racetrack video lottery and racetrack table games.

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