

COMMITTEE SUBSTITUTE

for

H. B. 2718

(BY DELEGATE(S) GEARHEART, BUTLER,
HAMRICK, HOWELL, HOUSEHOLDER, WESTFALL, MILLER,
BORDER, COOPER, HANSHAW AND ELLINGTON)

(Originating in the Committee on Finance)
[February 20, 2015]

A BILL to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22A-10g, relating to suspending the collection and transfer of racetrack video lottery revenues to the Licensed Racetrack Modernization Fund for one fiscal year; collecting and allocating \$9 million from racetrack video lottery revenues to the state road fund and other funds for specific purposes during the fiscal year ending June 30, 2016;

creating a new fund in the state treasury; and extending the availability of any unexpended balance in the Licensed Racetrack Modernization Fund for matching for two additional fiscal years.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §29-22A-10g, to read as follows:

ARTICLE 22A. RACETRACK VIDEO LOTTERY.

§29-22A-10g. Distributions to various funds during fiscal year 2016.

1 (a) Notwithstanding any provision of section ten or ten-d of
2 this article to the contrary, for the fiscal year ending June 30,
3 2016, the commission shall not deduct from gross terminal
4 income any funds for transfer to the Licensed Racetrack
5 Modernization Fund. For the fiscal year ending June 30, 2016,
6 in addition to deducting from gross terminal income an amount
7 sufficient to reimburse the commission for its actual costs and
8 expenses pursuant to subdivision (1), subsection (a), section ten
9 of this article during the fiscal year ending June 30, 2016, the
10 commission shall deduct \$9 million from the percentage of gross

11 terminal income received by the commission that remain after
12 the deduction of the amount by the commission for its actual
13 costs and expenses from the percentage of gross terminal income
14 made available for that purpose pursuant to section ten of this
15 article. The deductions of amounts to be applied to the \$9
16 million shall be collected from receipts of gross terminal income
17 before any other amounts of gross terminal income are made
18 available for distribution pursuant to subsection (c), section ten
19 of this article or for expenditure pursuant to appropriations
20 authorized under section ten-d of this article. The deduction of
21 the \$9 million shall be made from the percentage of gross
22 terminal income revenues made available for that purpose by this
23 section that are received by the commission beginning July 1,
24 2015, until the full amount of \$9 million is collected.

25 (b) Upon receipt of amounts deducted from collections of
26 gross terminal income made for the purpose of deducting the \$9
27 million required under subsection (a) of this section, the
28 commission shall allocate and deposit the same on a proportional
29 basis as follows:

30 (1) A total of \$6 million shall be deposited into the state road
31 fund of the state to be expended for maintenance, contract
32 paving, and secondary road maintenance purposes;

33 (2) A total of \$1 million shall be deposited into the
34 Department of Human Services Medical Services Fund
35 established pursuant to section two, article four, chapter nine of
36 this code to be expended for the state's Title XIX Aged and
37 Disabled Waiver program;

38 (3) A total of \$1 million shall be deposited into the West
39 Virginia Department of Health and Human Resources Division
40 of Health General Administrative Fund established pursuant to
41 subsection (c) of this section to be expended for Health Right
42 Free Clinics; and

43 (4) A total of \$1 million shall be deposited into the West
44 Virginia Department of Health and Human Resources Division
45 of Health General Administrative Fund established pursuant to
46 subsection (c) of this section to be expended for the Substance
47 Abuse Continuum of Care program.

48 (c) The West Virginia Department of Health and Human
49 Resources Division of Health General Administrative Fund is

50 hereby established in the State Treasury. The fund shall be
51 administered by the Secretary of the West Virginia Department
52 of Health and Human Resources and shall consist of all moneys
53 made available for the administration of programs or other
54 activities of the Department as established by law or as directed
55 by the Legislature from any source, including, but not limited to,
56 all gifts, grants, bequests, deposits or transfers from any source,
57 any moneys that may be transferred, designated or appropriated
58 to the fund by the Legislature, and all interest or other return
59 earned from investment of the fund. Expenditures from the fund
60 are not authorized from collections but are to be made only in
61 accordance with appropriation by the Legislature and in
62 accordance with the provisions of article three, chapter twelve of
63 this code and upon the fulfillment of the provisions set forth in
64 article two, chapter eleven-b of this code. Any balance, including
65 accrued interest and other returns, remaining in the fund at the
66 end of each fiscal year shall not revert to the General Revenue
67 Fund but shall remain in the fund and be expended as provided
68 by this subsection.

69 (d) Notwithstanding any provision of subsection (b), section
70 ten of this article to the contrary, if a licensed racetrack's facility
71 modernization account contains a balance in the fiscal year
72 ending June 30, 2015, the unexpended balance from that fiscal
73 year will be available for matching for two additional fiscal
74 years, after which time, the remaining unused balance carried
75 forward shall revert to the lottery fund.

