

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3464**

By Delegates Espinosa, Criss, Hardy, Summers,  
Ridenour, Householder, Storch, Willis, and Fluharty

[Introduced February 14, 2023; 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



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.