

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Enrolled**

### **Senate Bill 75**

BY SENATORS RUCKER, BARRETT, THORNE, AND WILLIS

[Passed April 11, 2025; in effect 90 days from  
passage (July 10, 2025)]



1 AN ACT to amend and reenact §29-22A-10d, §29-22A-10e, and §29-22C-27a of the Code of  
2 West Virginia, 1931, as amended, relating to the racetrack video lottery changes in  
3 distribution of net terminal income; changes in distribution of adjusted gross receipts in the  
4 lottery racetrack table games; and restoring moneys previously removed from net terminal  
5 income in 2014.

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

## **ARTICLE 22A. RACETRACK VIDEO LOTTERY.**

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

1 (a) Notwithstanding any provision of §29-22A-10(b) of this code to the contrary, for the  
2 fiscal year beginning July 1, 2014, and each fiscal year thereafter, the commission may transfer  
3 up to \$9 million as actual costs and expenses to the Licensed Racetrack Modernization Fund.

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

10 (c) The total amount of reductions resulting from subsection (b) of this section shall be  
11 paid into the State Excess Lottery Revenue Fund, created by §29-22-18a of this code.

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

16 (e) Prior to payment of any appropriation made pursuant to this section, debt service  
17 payments payable from the State Excess Lottery Fund shall first be paid in accordance with the

provisions of §29-22A-18a, §29-22A-18d, and §29-22A-18e of this code and in the priority as defined by §29-22A-18f(c) of this code.

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

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

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

(B) Notwithstanding any provision of subdivision (1) of this subsection or any provision of §29-22A-10(c)(9)(B) of this code or any other provision of this code to the contrary, the Governor may, by Executive Order, redirect one half of the deposits of revenues derived from net terminal income imposed under this article, for any period commencing after June 30, 2016, and ending before July 1, 2017, to the General Revenue Fund, instead of to the funds otherwise mandated in this article, in §23-2D-1 *et seq.* of this code, or in any other provision of this code, until

44 certification of the Governor to the Legislature that an independent actuary has determined that  
45 the unfunded liability of the Old Fund, as defined in chapter 23 of this code, has been paid or  
46 provided for in its entirety.

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

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

7 (b) The total amount of reductions resulting from subsection (a) of this section shall be  
8 paid into the State Excess Lottery Revenue Fund created in §29-22-18a of this code.

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

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

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

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

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

(B) Notwithstanding any provision of subdivision (1) of this subsection or any provision of §29-22A-10b(a)(9)(B) of this code or any other provision of this code to the contrary, the Governor may, by Executive Order, redirect one half of the deposits of revenues derived from net terminal income imposed under this article, for any period commencing after June 30, 2016, and ending before July 1, 2017, to the General Revenue Fund, instead of to the funds otherwise mandated in this article, in §23-2D-1 *et seq.* of this code or in any other provision of this code, until certification of the Governor to the Legislature that an independent actuary has determined that the unfunded liability of the Old Fund, as defined in chapter 23 of this code, has been paid or provided for in its 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  
5 paid into the State Excess Lottery Revenue Fund created in §29-22-18a of this code.

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

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

14 (e) Notwithstanding any other provision of this code to the contrary, after payment of debt  
15 service from the State Excess Lottery Revenue Fund, all other distributions required by §29-22-  
16 18a of this code and the distributions appropriated pursuant to this section shall be paid on a pro  
17 rata basis.





The Clerk of the Senate and the Clerk of the House of Delegates hereby  
certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

Originated in the Senate.

In effect 90 days from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2025.

.....  
*Governor*