

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 75

BY SENATORS RUCKER, BARRETT, THORNE, AND WILLIS

[Introduced February 12, 2025; referred
to the Committee on Finance]

1 A BILL to amend and reenact §29-22A-10d, §29-22A-10e, and §29-22C-27a of the Code of West
2 Virginia, 1931, as amended, relating to the racetrack video lottery changes in distribution
3 of net terminal income; changes in distribution of adjusted gross receipts in the lottery
4 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 shall may not be made pursuant to §29-22A-10 of this
8 code, other than those excepted by this subsection, and are made in lieu thereof in an amount to
9 be 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. ~~For the~~
12 ~~fiscal year beginning July 1, 2014, and each fiscal year thereafter, distributions to be made~~
13 ~~pursuant to subdivisions (2) and (5), subsection (c), section ten of this article shall be reduced by~~
14 ~~ten percent, and the amounts resulting from the reduction shall be paid into the State Excess~~
15 ~~Lottery Revenue Fund~~

16 (d) Notwithstanding any other provision of this code to the contrary, for the fiscal year
17 beginning July 1, 2014, and each fiscal year thereafter, moneys deposited to the State Excess

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-18e 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 §29-22A-
26 18a of this code and the distributions appropriated pursuant to this section shall be paid on a pro
27 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
30 Legislature that an independent actuary has determined that the unfunded liability of the Old
31 Fund, as defined in chapter 23 of this code, has been paid or provided for in its entirety, the
32 transfers made to the Workers' Compensation Debt Reduction Fund pursuant to §29-22A-
33 10(c)(9)(A) of this code shall expire and those funds shall remain in the State Excess Lottery
34 Revenue Fund subject to 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
40 General Revenue Fund, instead of to the funds otherwise mandated in this article, in §23-2D-1 *et*
41 *seq.* of 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
47 in this article, in §23-2D-1 *et seq.* of this code, or in any other provision of this code, until
48 certification of the Governor to the Legislature that an independent actuary has determined that
49 the unfunded liability of the Old Fund, as defined in chapter 23 of this code, has been paid or
50 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. ~~For the~~
9 ~~fiscal year beginning July 1, 2014, and each fiscal year thereafter, distributions to be made~~
10 ~~pursuant to subdivisions (2) and (5), subsection (a), section ten-b of this article shall be reduced~~
11 ~~by ten percent, and the amounts resulting from the reduction shall be paid into the State Excess~~
12 ~~Lottery Revenue Fund~~

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

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

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

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

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

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

43 income imposed under this article, for any period commencing after June 30, 2016, and ending
44 before July 1, 2017, to the General Revenue Fund, instead of to the funds otherwise mandated
45 in this article, in §23-2D-1 *et seq.* of this code or in any other provision of this code, until
46 certification of the Governor to the Legislature that an independent actuary has determined that
47 the unfunded liability of the Old Fund, as defined in chapter 23 of this code, has been paid or
48 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. ~~For the~~
6 ~~fiscal year beginning July 1, 2014, and each fiscal year thereafter, distributions to be made~~
7 ~~pursuant to subdivisions (2) and (3), subsection (c), section twenty-seven of this article shall be~~
8 ~~reduced by ten percent, and the amounts resulting from the reduction shall be paid into the State~~
9 ~~Excess Lottery 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.