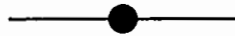


FILED.

2014 MAR 31 A 11: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014



ENROLLED

House Bill No. 101

(By Mr. Speaker, (Mr. Miley)
and Delegate Armstead)
(By Request of the Executive)



Passed March 14, 2014

In effect from passage.

#13101

FILED

2014 MAR 31 A 11: 01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 101

(BY MR. SPEAKER, (MR. MILEY)
AND DELEGATE ARMSTEAD)
[By Request of the Executive]

[Passed March 14, 2014; in effect from passage.]

AN ACT to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; to amend said code by adding thereto a new section, designated §29-22C-27a; and to amend said code by adding thereto a new section, designated §29-25-22b, all relating to the transfer of certain revenues derived from lottery activities generally; reducing the distributions to the West Virginia Infrastructure Fund to \$20 million for fiscal year 2015 and increasing the percentage of funds available for grants therefrom; reducing the amount that may be transferred to the Racetrack Modernization Fund to \$9 million; transferring certain revenues derived from racetrack video lottery, lottery racetrack table games and lottery historic resort hotel gaming activities to the State Excess Lottery Revenue Fund

for appropriation; reducing statutory distributions to capital reinvestment, purse funds and development funds by ten percent; and authorizing distributions to be paid on a pro rata basis.

Be it enacted by the Legislature of West Virginia:

That §29-22-18d of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto three new sections, designated §29-22A-10d, §29-22A-10e and §29-22A-10f; that said code be amended by adding thereto a new section, designated §29-22C-27a; and that said code be amended by adding thereto a new section, designated §29-25-22b, all to read as follows:

ARTICLE 22. STATE LOTTERY ACT.

§29-22-18d. Increase in allocation to West Virginia Infrastructure Fund from State Excess Lottery Revenue Fund.

1 Notwithstanding any provision of subsection (d), section
2 eighteen-a of this article to the contrary. the deposit of \$40
3 million into the West Virginia Infrastructure Fund set forth
4 above is for the fiscal year beginning July 1, 2010, only. For the
5 fiscal year beginning July 1, 2011. and each fiscal year
6 thereafter, in lieu of the deposits required under subdivision (5),
7 subsection (d), section eighteen-a of this article, the commission
8 shall, first, deposit \$6 million into the West Virginia
9 Infrastructure Lottery Revenue Debt Service Fund created in
10 subsection (h), section nine, article fifteen-a, chapter thirty-one
11 of this code, to be spent in accordance with the provisions of that
12 subsection, and, second deposit \$40 million into the West
13 Virginia Infrastructure Fund created in subsection (a), section
14 nine, article fifteen-a, chapter thirty-one of this code, to be spent
15 in accordance with the provisions of that article: *Provided*, That
16 for the fiscal year beginning July 1, 2014, the deposit to the West
17 Virginia Infrastructure Fund shall be \$20 million: *Provided*
18 *however*, That notwithstanding the provisions of subsection (a),
19 section ten, article fifteen-a, chapter thirty-one of this code, for

20 the fiscal year beginning July 1, 2014, any moneys disbursed
21 from the West Virginia Infrastructure Fund in the form of grants
22 shall not exceed fifty percent of the total funds available for the
23 funding of projects.

ARTICLE 22A. RACETRACK VIDEO LOTTERY ACT.

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

1 (a) Notwithstanding any provision of subsection (b), section
2 ten of this article to the contrary, for the fiscal year beginning
3 July 1, 2014, and each fiscal year thereafter, the commission
4 may transfer up to \$9 million as actual costs and expenses to the
5 Licensed Racetrack Modernization Fund.

6 (b) Notwithstanding any provision of subsection (c), section
7 ten of this article to the contrary, for the fiscal year beginning
8 July 1, 2014, and each fiscal year thereafter, each distribution,
9 except those distributions to be made pursuant to subdivisions
10 (1), (2), (3), (4), (5) and (7), subsection (c), section ten of this
11 article, shall be reduced by one hundred percent. Payments shall
12 not be made pursuant to section ten of this article, other than
13 those excepted by this subsection, and are made in lieu thereof
14 in an amount to be determined by appropriation from the State
15 Excess Lottery Revenue Fund.

16 (c) The total amount of reductions resulting from subsection
17 (b) of this section shall be paid into the State Excess Lottery
18 Revenue Fund, created by section eighteen-a, article twenty-two
19 of this chapter. For the fiscal year beginning July 1, 2014, and
20 each fiscal year thereafter, distributions to be made pursuant to
21 subdivisions (2) and (5), subsection (c), section ten of this article
22 shall be reduced by ten percent, and the amounts resulting from
23 the reduction shall be paid into the State Excess Lottery Revenue
24 Fund.

25 (d) Notwithstanding any other provision of this code to the
26 contrary, for the fiscal year beginning July 1, 2014, and each

27 fiscal year thereafter, moneys deposited to the State Excess
28 Lottery Revenue Fund pursuant to this section shall be expended
29 by the Lottery in accordance with appropriations.

30 (e) Prior to payment of any appropriation made pursuant to
31 this section, debt service payments payable from the State
32 Excess Lottery Fund shall first be paid in accordance with the
33 provisions of sections eighteen-a, eighteen-d and eighteen-e,
34 article twenty-two of this chapter and in the priority as defined
35 by subsection (c), section eighteen-f, article twenty-two of this
36 chapter.

37 (f) Notwithstanding any other provision of this code to the
38 contrary, after payment of debt service from the State Excess
39 Lottery Revenue Fund, all other distributions required by section
40 eighteen-a, article twenty-two of this chapter and the
41 distributions appropriated pursuant to this section shall be paid
42 on a pro rata basis.

43 (g) Notwithstanding the provisions of paragraph (B),
44 subdivision (9), subsection (c), section ten of this article, upon
45 certification of the Governor to the Legislature that an
46 independent actuary has determined that the unfunded liability
47 of the Old Fund, as defined in chapter twenty-three of this code,
48 has been paid or provided for in its entirety, the transfers made
49 to the Workers' Compensation Debt Reduction Fund pursuant to
50 paragraph (A), subdivision (9), subsection (c), section ten of this
51 article shall expire and those funds shall remain in the State
52 Excess Lottery Revenue Fund subject to appropriation.

**§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
2 ten-b of this article to the contrary, for the fiscal year beginning
3 July 1, 2014, and each fiscal year thereafter, each distribution,
4 except those distributions to be made pursuant to subdivisions
5 (1), (2), (3), (4), (5) and (7), subsection (a), section ten-b of this

6 article, shall be reduced by one hundred percent. Payments shall
7 not be made pursuant to section ten-b of this article, other than
8 those excepted by this subsection, and are made in lieu thereof
9 in an amount to be determined by appropriation from the State
10 Excess Lottery Revenue Fund.

11 (b) The total amount of reductions resulting from subsection
12 (a) of this section shall be paid into the State Excess Lottery
13 Revenue Fund created in section eighteen-a, article twenty-two
14 of this chapter. For the fiscal year beginning July 1, 2014, and
15 each fiscal year thereafter, distributions to be made pursuant to
16 subdivisions (2) and (5), subsection (a), section ten-b of this
17 article shall be reduced by ten percent, and the amounts resulting
18 from the reduction shall be paid into the State Excess Lottery
19 Revenue Fund.

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

25 (d) Prior to payment of any appropriation made pursuant to
26 this section, debt service payments payable from the State
27 Excess Lottery Fund shall first be paid in accordance with the
28 provisions of sections eighteen-a, eighteen-d, and eighteen-e,
29 article twenty-two of this chapter and in the priority as defined
30 by subsection (c), section eighteen-f, article twenty-two of this
31 chapter.

32 (e) Notwithstanding any other provision of this code to the
33 contrary, after payment of debt service from the State Excess
34 Lottery Revenue Fund, all other distributions required by section
35 eighteen-a, article twenty-two of this chapter and the
36 distributions appropriated pursuant to this section shall be paid
37 on a pro rata basis.

38 (f) Notwithstanding the provisions of paragraph (B),
39 subdivision (9), subsection (a), section ten-b of this article, upon
40 certification of the Governor to the Legislature that an
41 independent actuary has determined that the unfunded liability
42 of the Old Fund, as defined in chapter twenty-three of this code,
43 has been paid or provided for in its entirety, the transfers made
44 to the Workers' Compensation Debt Reduction Fund pursuant to
45 paragraph (A). subdivision (9), subsection (a), section ten-b of
46 this article shall expire and those funds shall remain in the State
47 Excess Lottery Revenue Fund subject to appropriation.

§29-22A-10f. Changes in distribution of surcharge.

1 (a) Notwithstanding any provision of subsection (b), section
2 ten-c of this article to the contrary, for the fiscal year beginning
3 July 1, 2014, and each fiscal year thereafter, each distribution
4 made pursuant to section ten-c of this article shall be reduced by
5 ten percent.

6 (b) The total amount of reductions resulting from subsection
7 (a) of this section shall be paid into the State Excess Lottery
8 Revenue Fund created in section eighteen-a, article twenty-two
9 of this chapter.

**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 section twenty-seven
2 of this article to the contrary, for the fiscal year beginning July
3 1, 2014, and each fiscal year thereafter, the distribution directed
4 pursuant to subdivision (1), subsection (d) of that section shall
5 be reduced by one hundred percent.

6 (b) The total amount of reductions resulting from subsection
7 (a) of this section shall be paid into the State Excess Lottery
8 Revenue Fund created in section eighteen-a, article twenty-two

9 of this chapter. For the fiscal year beginning July 1, 2014, and
10 each fiscal year thereafter, distributions to be made pursuant to
11 subdivisions (2) and (3), subsection (c), section twenty-seven of
12 this article shall be reduced by ten percent, and the amounts
13 resulting from the reduction shall be paid into the State Excess
14 Lottery Revenue Fund.

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

20 (d) Prior to payment of any appropriation made pursuant to
21 this section, debt service payments payable from the State
22 Excess Lottery Fund shall first be paid in accordance with the
23 provisions of sections eighteen-a, eighteen-d and eighteen-e.
24 article twenty-two of this chapter and in the priority as defined
25 by subsection (c), section eighteen-f, article twenty-two of this
26 chapter.

27 (e) Notwithstanding any other provision of this code to the
28 contrary, after payment of debt service from the State Excess
29 Lottery Revenue Fund, all other distributions required by section
30 eighteen-a, article twenty-two of this chapter and the
31 distributions appropriated pursuant to this section shall be paid
32 on a pro rata basis.

ARTICLE 25. AUTHORIZED GAMING FACILITY.

§29-25-22b. Changes in distribution of adjusted gross receipts and additional income; distributions from excess lottery fund.

1 (a) Notwithstanding any provision of section twenty-two of
2 this article to the contrary, for the fiscal year beginning July 1,
3 2014, and each fiscal year thereafter, after payment of the
4 commission's expenses pursuant to subsection (b), section

5 twenty-two of this article, each distribution made in subsection
6 (c), section twenty-two of this article from gross terminal
7 income, and each distribution of the balance of the Historic
8 Resort Hotel Fund made in subsection (d), section twenty-two of
9 this article, except subdivisions (4), (5) (6), (7) and (8) of that
10 subsection, shall be reduced by one hundred percent. Payments
11 shall not be made pursuant to section twenty-two of this article,
12 other than those excepted by this subsection, and are made in
13 lieu thereof in an amount to be determined by appropriation from
14 the State Excess Lottery Revenue Fund.

15 (b) The total amount of reductions resulting from subsection
16 (a) of this section shall be paid into the State Excess Lottery
17 Revenue Fund created in section eighteen-a, article twenty-two
18 of this chapter.

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

24 (d) Prior to payment of any appropriation made pursuant to
25 this section, debt service payments payable from the State
26 Excess Lottery Fund shall first be paid in accordance with the
27 provisions of section eighteen-a, eighteen-d and eighteen-e,
28 article twenty-two of this chapter and in the priority as defined
29 by subsection (c), section eighteen-f, article twenty-two of this
30 chapter.

31 (e) Notwithstanding any other provision of this code to the
32 contrary, after payment of debt service from the State Excess
33 Lottery Revenue Fund, all other distributions required by section
34 eighteen-a, article twenty-two of this chapter and the
35 distributions appropriated pursuant to this section shall be paid
36 on a pro rata basis.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Tommy Wells

Chairman, House Committee

[Signature]
Member ~~Chairman~~, Senate Committee

Originating in the House.

In effect from passage.

Gregg D. Smith

Clerk of the House of Delegates

Joseph W. Minard

Clerk of the Senate

Frank H. Hoff

Speaker of the House of Delegates

Jeffrey V. [Signature]

President of the Senate

The within is approved this the 31st
day of March, 2014.

Earl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

FEB 28 2014

Time 10:40