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Veto

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
*Regular Session, 2004*

**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO. 197**

(By Senators Tomblin, Mr. President, and Sprouse *+*  
*By Request of the Executive*)

**PASSED March 13, 2004**

**In Effect 90 days from Passage**

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 197**

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE)

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[Passed March 13, 2004; in effect ninety days from passage.]

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AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §5A-4-5a, §5A-4-6 and §5A-4-7; to amend and reenact §5B-2-12 of said code; and to amend and reenact §29-22A-10 and §29-22A-10b of said code, all relating generally to distribution of net terminal income of racetrack video lottery terminals for funding purposes; creating a fund to be used for the construction and maintenance of a parking garage; distributing net terminal income to funds for the construction and maintenance of parking garages, to the capitol dome and improvements fund, to the cultural facilities and capitol resources matching grant program fund, to the capitol renovation and improvement fund, to the tourism promotion fund and to purposes determined by appropriation in the state budget; creating a fund for renovations and improvements of the existing state capitol building and the capitol

complex; and prohibiting members of the tourism commission from participating in the discussion of, or action upon, an application for or an award of any grant in which the member has a direct financial interest.

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

That the code of West Virginia, 1931, as amended, be amended by adding thereto three new sections, designated §5A-4-5a, §5A-4-6 and §5A-4-7; that §5B-2-12 of said code be amended and reenacted; and that §29-22A-10 and §29-22A-10b of said code be amended and reenacted, all to read as follows:

**CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.**

**ARTICLE 4. GENERAL SERVICES DIVISION.**

**§5A-4-5a. Construction of parking garage for general public; creation of fund.**

1 (a) It is the intent of the Legislature to provide a parking  
2 facility for the general public and to direct the secretary of  
3 the department of administration to plan and construct a  
4 parking garage at the state capitol complex that will  
5 provide sufficient and additional parking exclusively for  
6 the general public.

7 (b) There is created the state treasury, to be administered  
8 by the department of administration, a special fund to be  
9 named the "2004 capitol complex parking garage fund" in  
10 which shall be deposited funds that are appropriated and  
11 funds from other sources to be used for the construction  
12 and maintenance of a parking garage on or adjacent to the  
13 state capitol complex.

**§5A-4-6. Distribution of funds.**

1 Notwithstanding any other provision of this code to the  
2 contrary, in each fiscal year beginning after the thirtieth  
3 day of June, two thousand four, the total amount of the  
4 remainder of the one percent of net terminal income  
5 described in subparagraph (ii), paragraph (B), subdivision

6 (9), subsection (c), section ten, article twenty-two-a,  
7 chapter twenty-nine of this code and all of the one percent  
8 of net terminal income described in subdivision (9),  
9 subsection (a), section ten-b of said article shall be distrib-  
10 uted as follows:

11 Equal amounts of the total shall be deposited in the  
12 capitol dome and improvements fund created under  
13 section two, article four, chapter five-a of this code and  
14 cultural facilities and capitol resources matching grant  
15 program fund created under section three, article one of  
16 this chapter until a total of one million five hundred  
17 thousand dollars is deposited into the cultural facilities  
18 and capitol resources matching grant program fund;  
19 thereafter, the remainder shall be deposited into the  
20 capitol dome and improvements fund.

**§5A-4-7. Renovation and improvement of capitol building and  
capitol complex.**

1 (a) It is the intent of the Legislature to provide renova-  
2 tion and improvement of the existing state capitol building  
3 and the capitol complex and to direct the secretary of the  
4 department of administration to plan and make renova-  
5 tions and improvements of the existing state capitol  
6 building and the capitol complex for the purpose of  
7 reversing deterioration to existing facilities, securing the  
8 safety of the general public and state employees, promot-  
9 ing efficiency of governmental operations and to enhance  
10 tourism in the state.

11 (b) There is created the state treasury to be administered  
12 by the department of administration a special fund to be  
13 named the "capitol renovation and improvement fund" in  
14 which shall be deposited funds that are appropriated and  
15 funds from other sources to be used for renovations and  
16 improvements of the existing state capitol building and the  
17 capitol complex.

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.**

**§5B-2-12. Tourism promotion fund continued; use of funds.**

1     There is hereby continued in the state treasury the  
2     special revenue fund known as the "tourism promotion  
3     fund" created under prior enactment of section nine,  
4     article one of this chapter.

5     (a) A minimum of five percent of the moneys deposited  
6     in the fund each year shall be used solely for direct  
7     advertising for West Virginia travel and tourism: *Pro-*  
8     *vided,* That no less than twenty percent of these funds be  
9     expended with the approval of the director of the division  
10    of natural resources to effectively promote and market the  
11    state's parks, state forests, state recreation areas and  
12    wildlife recreational resources. Direct advertising means  
13    advertising which is limited to television, radio, mailings,  
14    newspaper, magazines and outdoor billboards, or any  
15    combination thereof.

16    (b) The balance of the moneys deposited in the fund shall  
17    be used for direct advertising within the state's travel  
18    regions as defined by the commission. The funds shall be  
19    made available to these districts beginning the first day of  
20    July, one thousand nine hundred ninety-five, according to  
21    legislative rules authorized for promulgation by the  
22    tourism commission.

23    (c) All advertising expenditures over twenty-five thou-  
24    sand dollars from the tourism promotion fund require  
25    prior approval by recorded vote of the commission. No  
26    member of the commission or of any committee created by  
27    the commission to evaluate applications for advertising or  
28    other grants may participate in the discussion of, or action  
29    upon, an application for or an award of any grant in which  
30    the member has a direct financial interest.

31    (d) Notwithstanding any other provision of this code to  
32    the contrary:

33 (1) In the fiscal year beginning the first day of July, two  
34 thousand four, the total amount of the three percent of net  
35 terminal income described in paragraph (B), subdivision  
36 (8), subsection (c), section ten, article twenty-two-a,  
37 chapter twenty-nine of this code and the three percent of  
38 net terminal income described in paragraph (B), subdivi-  
39 sion (9), subsection (a), section ten-b of said article shall be  
40 distributed as follows:

41 (A) Not more than six million dollars shall be deposited  
42 in the tourism promotion fund;

43 (B) Not more than five hundred thousand dollars shall be  
44 deposited in the state treasury in a special fund of the  
45 department of administration, created under section five-  
46 a, article four, chapter five-a of this code to be used for  
47 construction and maintenance of a parking garage on or  
48 adjacent to the state capitol complex;

49 (C) Not more than five million five hundred thousand  
50 dollars shall be deposited in the state treasury in a special  
51 fund of the department of administration, created under  
52 section seven, article four, chapter five-a of this code to be  
53 used for renovation and improvement of the existing state  
54 capitol building and the capitol complex; and

55 (D) The remainder of the three percent of net terminal  
56 income shall be available only upon appropriation by the  
57 Legislature as part of the state budget.

58 (2) In each fiscal year beginning after the thirtieth day of  
59 June, two thousand five, the total amount of the three  
60 percent of net terminal income described in paragraph (B),  
61 subdivision (8), subsection (c), section ten, article twenty-  
62 two-a, chapter twenty-nine of this code and the three  
63 percent of net terminal income described in paragraph (B),  
64 subdivision (9), subsection (a), section ten-b of said article  
65 shall be distributed as follows:

66 (A) Not more than eleven million dollars shall be depos-  
67 ited in the tourism promotion fund;

68 (B) Not more than five hundred thousand dollars shall be  
69 deposited in the state treasury in a special fund of the  
70 department of administration, created under section five-  
71 a, article four, chapter five-a of this code to be used for  
72 construction and maintenance of a parking garage on or  
73 adjacent to the state capitol complex;

74 (C) Not more than five million five hundred thousand  
75 dollars shall be deposited in the state treasury in a special  
76 fund of the department of administration, created under  
77 section seven, article four, chapter five-a of this code to be  
78 used for renovation and improvement of the existing state  
79 capitol building and the capitol complex; and

80 (D) The remainder of the three percent of net terminal  
81 income shall be available only upon appropriation by the  
82 Legislature as part of the state budget.

## CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

### ARTICLE 22A. RACETRACK VIDEO LOTTERY.

**§29-22A-10. Accounting and reporting; commission to provide communications protocol data; distribution of net terminal income; remittance through electronic transfer of funds; establishment of accounts and nonpayment penalties; commission control of accounting for net terminal income; settlement of accounts; manual reporting and payment may be required; request for reports; examination of accounts and records.**

1 (a) The commission shall provide to manufacturers, or  
2 applicants applying for a manufacturer's permit, the  
3 protocol documentation data necessary to enable the  
4 respective manufacturer's video lottery terminals to  
5 communicate with the commission's central computer for  
6 transmitting auditing program information and for  
7 activation and disabling of video lottery terminals.

8 (b) The gross terminal income of a licensed racetrack  
9 shall be remitted to the commission through the electronic  
10 transfer of funds. Licensed racetracks shall furnish to the  
11 commission all information and bank authorizations  
12 required to facilitate the timely transfer of moneys to the  
13 commission. Licensed racetracks must provide the  
14 commission thirty days' advance notice of any proposed  
15 account changes in order to assure the uninterrupted  
16 electronic transfer of funds. From the gross terminal  
17 income remitted by the licensee to the commission, the  
18 commission shall deduct an amount sufficient to reimburse  
19 the commission for its actual costs and expenses incurred  
20 in administering racetrack video lottery at the licensed  
21 racetrack and the resulting amount after the deduction is  
22 the net terminal income. The amount deducted for admin-  
23 istrative costs and expenses of the commission may not  
24 exceed four percent of gross terminal income: *Provided,*  
25 That any amounts deducted by the commission for its  
26 actual costs and expenses that exceeds its actual costs and  
27 expenses shall be deposited into the state lottery fund. For  
28 all fiscal years beginning on or after the first day of July,  
29 two thousand one, the commission shall not receive an  
30 amount of gross terminal income in excess of the amount  
31 of gross terminal income received during the fiscal year  
32 ending on the thirtieth day of June, two thousand one, but  
33 four percent of any amount of gross terminal income  
34 received in excess of the amount of gross terminal income  
35 received during the fiscal year ending on the thirtieth day  
36 of June, two thousand one, shall be deposited into the fund  
37 established in section eighteen-a, article twenty-two of  
38 this chapter.

39 (c) Net terminal income shall be divided as set out in this  
40 subsection. For all fiscal years beginning on or after the  
41 first day of July, two thousand one, any amount of net  
42 terminal income received in excess of the amount of net  
43 terminal income received during the fiscal year ending on  
44 the thirtieth day of June, two thousand one, shall be  
45 divided as set out in section ten-b of this article. The



46 licensed racetrack's share is in lieu of all lottery agent  
47 commissions and is considered to cover all costs and  
48 expenses required to be expended by the licensed race-  
49 track in connection with video lottery operations. The  
50 division shall be made as follows:

51 (1) The commission shall receive thirty percent of net  
52 terminal income, which shall be paid into the state lottery  
53 fund as provided in section ten-a of this article;

54 (2) Fourteen percent of net terminal income at a licensed  
55 racetrack shall be deposited in the special fund established  
56 by the licensee and used for payment of regular purses in  
57 addition to other amounts provided in article twenty-  
58 three, chapter nineteen of this code;

59 (3) The county where the video lottery terminals are  
60 located shall receive two percent of the net terminal  
61 income: *Provided, That:*

62 (A) Any amount in excess of the two percent received  
63 during fiscal year one thousand nine hundred ninety-nine  
64 by a county in which a racetrack is located that has  
65 participated in the West Virginia thoroughbred develop-  
66 ment fund since on or before the first day of January, one  
67 thousand nine hundred ninety-nine, shall be divided as  
68 follows:

69 (i) The county shall receive fifty percent of the excess  
70 amount; and

71 (ii) The municipalities of the county shall receive fifty  
72 percent of the excess amount, the fifty percent to be  
73 divided among the municipalities on a per capita basis as  
74 determined by the most recent decennial United States  
75 census of population; and

76 (B) Any amount in excess of the two percent received  
77 during fiscal year one thousand nine hundred ninety-nine  
78 by a county in which a racetrack other than a racetrack  
79 described in paragraph (A) of this proviso is located and  
80 where the racetrack has been located in a municipality

81 within the county since on or before the first day of  
82 January, one thousand nine hundred ninety-nine, shall be  
83 divided, if applicable, as follows:

84 (i) The county shall receive fifty percent of the excess  
85 amount; and

86 (ii) The municipality shall receive fifty percent of the  
87 excess amount; and

88 (C) This proviso shall not affect the amount to be  
89 received under this subdivision by any county other than  
90 a county described in paragraph (A) or (B) of this subdivi-  
91 sion;

92 (4) One half of one percent of net terminal income shall  
93 be paid for and on behalf of all employees of the licensed  
94 racing association by making a deposit into a special fund  
95 to be established by the racing commission to be used for  
96 payment into the pension plan for all employees of the  
97 licensed racing association;

98 (5) The West Virginia thoroughbred development fund  
99 created under section thirteen-b, article twenty-three,  
100 chapter nineteen of this code and the West Virginia  
101 greyhound breeding development fund created under  
102 section ten of said article shall receive an equal share of a  
103 total of not less than one and one-half percent of the net  
104 terminal income: *Provided*, That for any racetrack which  
105 does not have a breeder's program supported by the  
106 thoroughbred development fund or the greyhound breed-  
107 ing development fund, the one and one-half percent  
108 provided in this subdivision shall be deposited in the  
109 special fund established by the licensee and used for  
110 payment of regular purses in addition to other amounts  
111 provided in subdivision (2) of this subsection and article  
112 twenty-three, chapter nineteen of this code;

113 (6) The West Virginia racing commission shall receive  
114 one percent of the net terminal income which shall be  
115 deposited and used as provided in section thirteen-c,  
116 article twenty-three, chapter nineteen of this code;

117 (7) A licensee shall receive forty-seven percent of net  
118 terminal income;

119 (8)(A) The tourism promotion fund established in section  
120 twelve, article two, chapter five-b of this code shall receive  
121 three percent of the net terminal income: *Provided*, That  
122 for the fiscal year beginning the first day of July, two  
123 thousand three, the tourism commission shall transfer  
124 from the tourism promotion fund no more than five  
125 million dollars of the three percent of the net terminal  
126 income into the fund administered by the West Virginia  
127 economic development authority pursuant to section  
128 seven, article fifteen, chapter thirty-one of this code; and

129 (B) Notwithstanding any provision of paragraph (A) of  
130 this subdivision to the contrary, for each fiscal year  
131 beginning after the thirtieth day of June, two thousand  
132 four, this three percent of net terminal income shall be  
133 distributed pursuant to the provisions of subsection (d),  
134 section twelve, article two, chapter five-b of this code; and

135 (9) The remaining one percent of net terminal income  
136 shall be deposited as follows:

137 (A) For the fiscal year beginning the first day of July,  
138 two thousand three, the veterans memorial program shall  
139 receive that one percent of the net terminal income until  
140 sufficient moneys have been received to complete the  
141 veterans memorial on the grounds of the state capitol  
142 complex in Charleston, West Virginia. The moneys shall  
143 be deposited in the state treasury in the division of culture  
144 and history special fund created under section three,  
145 article one-i, chapter twenty-nine of this code: *Provided*,  
146 That only after sufficient moneys have been deposited in  
147 the fund to complete the veterans memorial and to pay in  
148 full the annual bonded indebtedness on the veterans  
149 memorial, not more than twenty thousand dollars of the  
150 one percent of net terminal income provided for in this  
151 subdivision shall be deposited into a special revenue fund  
152 in the state treasury, to be known as the "John F. 'Jack'  
153 Bennett Fund". The moneys in this fund shall be expended

154 by the division of veterans affairs to provide for the  
155 placement of markers for the graves of veterans in perpet-  
156 ual cemeteries in this state. The division of veterans  
157 affairs shall promulgate legislative rules pursuant to the  
158 provisions of article three, chapter twenty-nine-a of this  
159 code specifying the manner in which the funds are spent,  
160 determine the ability of the surviving spouse to pay for the  
161 placement of the marker and setting forth the standards to  
162 be used to determine the priority in which the veterans  
163 grave markers will be placed in the event that there are  
164 not sufficient funds to complete the placement of veterans  
165 grave markers in any one year, or at all. Upon payment in  
166 full of the bonded indebtedness on the veterans memorial,  
167 one hundred thousand dollars of the one percent of net  
168 terminal income provided for in this subdivision shall be  
169 deposited in the special fund in the division of culture and  
170 history created under section three, article one-i, chapter  
171 twenty-nine of this code and be expended by the division  
172 of culture and history to establish a West Virginia veterans  
173 memorial archives within the cultural center to serve as a  
174 repository for the documents and records pertaining to the  
175 veterans memorial, to restore and maintain the monu-  
176 ments and memorial on the capitol grounds: *Provided,*  
177 *however,* That five hundred thousand dollars of the one  
178 percent of net terminal income shall be deposited in the  
179 state treasury in a special fund of the department of  
180 administration, created under section five, article four,  
181 chapter five-a of this code, to be used for construction and  
182 maintenance of a parking garage on the state capitol  
183 complex; and remainder of the one percent of net terminal  
184 income shall be deposited in equal amounts in the capitol  
185 dome and improvements fund created under section two,  
186 article four, chapter five-a of this code and cultural  
187 facilities and capitol resources matching grant program  
188 fund created under section three, article one of this  
189 chapter.

190 (B) For each fiscal year beginning after the thirtieth day  
191 of June, two thousand four:

192 (i) Five hundred thousand dollars of the one percent of  
193 net terminal income shall be deposited in the state trea-  
194 sury in a special fund of the department of administration,  
195 created under section five, article four, chapter five-a of  
196 this code, to be used for construction and maintenance of  
197 a parking garage on the state capitol complex; and

198 (ii) The remainder of the one percent of net terminal  
199 income shall be distributed pursuant to the provisions of  
200 section six, article four, chapter five-a of this code.

201 (d) Each licensed racetrack shall maintain in its account  
202 an amount equal to or greater than the gross terminal  
203 income from its operation of video lottery machines, to be  
204 electronically transferred by the commission on dates  
205 established by the commission. Upon a licensed race-  
206 track's failure to maintain this balance, the commission  
207 may disable all of a licensed racetrack's video lottery  
208 terminals until full payment of all amounts due is made.  
209 Interest shall accrue on any unpaid balance at a rate  
210 consistent with the amount charged for state income tax  
211 delinquency under chapter eleven of this code. The  
212 interest shall begin to accrue on the date payment is due to  
213 the commission.

214 (e) The commission's central control computer shall keep  
215 accurate records of all income generated by each video  
216 lottery terminal. The commission shall prepare and mail  
217 to the licensed racetrack a statement reflecting the gross  
218 terminal income generated by the licensee's video lottery  
219 terminals. Each licensed racetrack shall report to the  
220 commission any discrepancies between the commission's  
221 statement and each terminal's mechanical and electronic  
222 meter readings. The licensed racetrack is solely responsi-  
223 ble for resolving income discrepancies between actual  
224 money collected and the amount shown on the accounting  
225 meters or on the commission's billing statement.

226 (f) Until an accounting discrepancy is resolved in favor  
227 of the licensed racetrack, the commission may make no

228 credit adjustments. For any video lottery terminal reflect-  
229 ing a discrepancy, the licensed racetrack shall submit to  
230 the commission the maintenance log which includes  
231 current mechanical meter readings and the audit ticket  
232 which contains electronic meter readings generated by the  
233 terminal's software. If the meter readings and the commis-  
234 sion's records cannot be reconciled, final disposition of the  
235 matter shall be determined by the commission. Any  
236 accounting discrepancies which cannot be otherwise  
237 resolved shall be resolved in favor of the commission.

238 (g) Licensed racetracks shall remit payment by mail if  
239 the electronic transfer of funds is not operational or the  
240 commission notifies licensed racetracks that remittance by  
241 this method is required. The licensed racetracks shall  
242 report an amount equal to the total amount of cash  
243 inserted into each video lottery terminal operated by a  
244 licensee, minus the total value of game credits which are  
245 cleared from the video lottery terminal in exchange for  
246 winning redemption tickets, and remit the amount as  
247 generated from its terminals during the reporting period.  
248 The remittance shall be sealed in a properly addressed and  
249 stamped envelope and deposited in the United States mail  
250 no later than noon on the day when the payment would  
251 otherwise be completed through electronic funds transfer.

252 (h) Licensed racetracks may, upon request, receive  
253 additional reports of play transactions for their respective  
254 video lottery terminals and other marketing information  
255 not considered confidential by the commission. The  
256 commission may charge a reasonable fee for the cost of  
257 producing and mailing any report other than the billing  
258 statements.

259 (i) The commission has the right to examine all accounts,  
260 bank accounts, financial statements and records in a  
261 licensed racetrack's possession under its control or in  
262 which it has an interest and the licensed racetrack shall  
263 authorize all third parties in possession or in control of the

264 accounts or records to allow examination of any of those  
265 accounts or records by the commission.

**§29-22A-10b. Distribution of excess net terminal income.**

1 (a) For all years beginning on or after the first day of  
2 July, two thousand one, any amount of net terminal  
3 income generated annually by a licensed racetrack in  
4 excess of the amount of net terminal income generated by  
5 that licensed racetrack during the fiscal year ending on the  
6 thirtieth day of June, two thousand one, shall be divided  
7 as follows:

8 (1) The commission shall receive forty-one percent of net  
9 terminal income, which the commission shall deposit in  
10 the state excess lottery revenue fund created in section  
11 eighteen-a, article twenty-two of this chapter;

12 (2) Eight percent of net terminal income at a licensed  
13 racetrack shall be deposited in the special fund established  
14 by the licensee and used for payment of regular purses in  
15 addition to other amounts provided for in article twenty-  
16 three, chapter nineteen of this code;

17 (3) The county where the video lottery terminals are  
18 located shall receive two percent of the net terminal  
19 income: *Provided, That:*

20 (A) Any amount by which the total amount under this  
21 section and subdivision (3), subsection (c), section ten of  
22 this article is in excess of the two percent received during  
23 fiscal year one thousand nine hundred ninety-nine by a  
24 county in which a racetrack is located that has partici-  
25 pated in the West Virginia thoroughbred development  
26 fund since on or before the first day of January, one  
27 thousand nine hundred ninety-nine, shall be divided as  
28 follows:

29 (i) The county shall receive fifty percent of the excess  
30 amount; and

31 (ii) The municipalities of the county shall receive fifty  
32 percent of the excess amount, the fifty percent to be

33 divided among the municipalities on a per capita basis as  
34 determined by the most recent decennial United States  
35 census of population; and

36 (B) Any amount by which the total amount under this  
37 section and subdivision (3), subsection (c), section ten of  
38 this article is in excess of the two percent received during  
39 fiscal year one thousand nine hundred ninety-nine by a  
40 county in which a racetrack other than a racetrack de-  
41 scribed in paragraph (A) of this proviso is located and  
42 where the racetrack has been located in a municipality  
43 within the county since on or before the first day of  
44 January, one thousand nine hundred ninety-nine, shall be  
45 divided, if applicable, as follows:

46 (i) The county shall receive fifty percent of the excess  
47 amount; and

48 (ii) The municipality shall receive fifty percent of the  
49 excess amount; and

50 (C) This proviso shall not affect the amount to be  
51 received under this subdivision by any county other than  
52 a county described in paragraph (A) or (B) of this proviso;

53 (4) One half of one percent of net terminal income shall  
54 be paid for and on behalf of all employees of the licensed  
55 racing association by making a deposit into a special fund  
56 to be established by the racing commission to be used for  
57 payment into the pension plan for all employees of the  
58 licensed racing association;

59 (5) The West Virginia thoroughbred development fund  
60 created under section thirteen-b, article twenty-three,  
61 chapter nineteen of this code and the West Virginia  
62 greyhound breeding development fund created under  
63 section ten, article twenty-three, chapter nineteen of this  
64 code shall receive an equal share of a total of not less than  
65 one and one-half percent of the net terminal income:  
66 *Provided*, That for any racetrack which does not have a  
67 breeder's program supported by the thoroughbred devel-



68 opment fund or the greyhound breeding development fund,  
69 the one and one-half percent provided for in this subdivi-  
70 sion shall be deposited in the special fund established by  
71 the licensee and used for payment of regular purses, in  
72 addition to other amounts provided for in subdivision (2)  
73 of this subsection and article twenty-three, chapter  
74 nineteen of this code;

75 (6) The West Virginia racing commission shall receive  
76 one percent of the net terminal income which shall be  
77 deposited and used as provided in section thirteen-c,  
78 article twenty-three, chapter nineteen of this code;

79 (7) A licensee shall receive forty-two percent of net  
80 terminal income;

81 (8) The tourism promotion fund established in section  
82 twelve, article two, chapter five-b of this code shall receive  
83 three percent of the net terminal income: *Provided*, That  
84 for each fiscal year beginning after the thirtieth day of  
85 June, two thousand four, this three percent of net terminal  
86 income shall be distributed pursuant to the provisions of  
87 subsection (d), section twelve, article two, chapter five-b  
88 of this code; and

89 (9)(A) One percent of the net terminal income shall be  
90 deposited in equal amounts in the capitol dome and  
91 improvements fund created under section two, article four,  
92 chapter five-a of this code and cultural facilities and  
93 capitol resources matching grant program fund created  
94 under section three, article one of this chapter; and

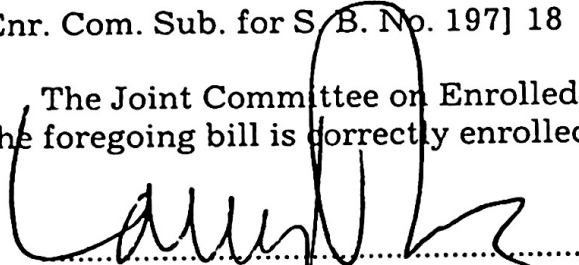
95 (B) Notwithstanding any provision of paragraph (A) of  
96 this subdivision to the contrary, for each fiscal year  
97 beginning after the thirtieth day of June, two thousand  
98 four, this one percent of net terminal income shall be  
99 distributed pursuant to the provisions of section six,  
100 article four, chapter five-a of this code.

101 (b) The commission may establish orderly and effective  
102 procedures for the collection and distribution of funds

103 under this section in accordance with the provisions of this  
104 section and section ten of this article.

Enr. Com. Sub. for S. B. No. 197] 18

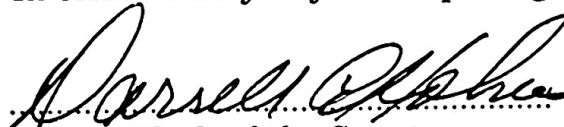
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

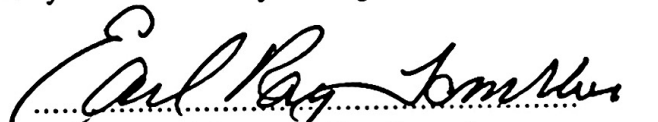
  
.....  
Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

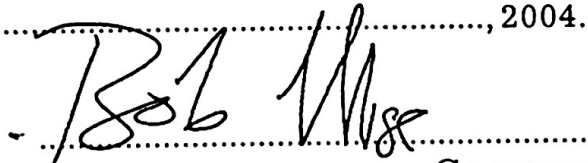
  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is disapproved this the 21st  
Day of March ....., 2004.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

DATE 3-20-04

TIME 6:30 pm