

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2718**

4 (By Delegates Gearheart, Butler, Hamrick, Howell, Householder,  
5 Westfall, Miller, Border, Cooper, Hanshaw and Ellington)

6 (Originating in the Committee on Finance)

7 [February 20, 2015]

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10 A BILL to amend the code of West Virginia, 1931, as amended, by adding thereto a new section,  
11 designated §29-22A-10g, relating to suspending the collection and transfer of racetrack video  
12 lottery revenues to the Licensed Racetrack Modernization Fund for one fiscal year; collecting  
13 and allocating \$9 million from racetrack video lottery revenues to the state road fund and  
14 other funds for specific purposes during the fiscal year ending June 30, 2016; creating a new  
15 fund in the state treasury; and extending the availability of any unexpended balance in the  
16 Licensed Racetrack Modernization Fund for matching for two additional fiscal years.

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

18 That the code of West Virginia, 1931, as amended, be amended by adding thereto a new  
19 section, designated §29-22A-10g, to read as follows:

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

21 **§29-22A-10g. Distributions to various funds during fiscal year 2016.**

22 (a) Notwithstanding any provision of section ten or ten-d of this article to the contrary, for  
23 the fiscal year ending June 30, 2016, the commission shall not deduct from gross terminal income  
24 any funds for transfer to the Licensed Racetrack Modernization Fund. For the fiscal year ending

1 June 30, 2016, in addition to deducting from gross terminal income an amount sufficient to  
2 reimburse the commission for its actual costs and expenses pursuant to subdivision (1), subsection  
3 (a), section ten of this article during the fiscal year ending June 30, 2016, the commission shall  
4 deduct \$9 million from the percentage of gross terminal income received by the commission that  
5 remain after the deduction of the amount by the commission for its actual costs and expenses from  
6 the percentage of gross terminal income made available for that purpose pursuant to section ten of  
7 this article. The deductions of amounts to be applied to the \$9 million shall be collected from  
8 receipts of gross terminal income before any other amounts of gross terminal income are made  
9 available for distribution pursuant to subsection (c), section ten of this article or for expenditure  
10 pursuant to appropriations authorized under section ten-d of this article. The deduction of the \$9  
11 million shall be made from the percentage of gross terminal income revenues made available for that  
12 purpose by this section that are received by the commission beginning July 1, 2015, until the full  
13 amount of \$9 million is collected.

14 (b) Upon receipt of amounts deducted from collections of gross terminal income made for  
15 the purpose of deducting the \$9 million required under subsection (a) of this section, the commission  
16 shall allocate and deposit the same on a proportional basis as follows:

17 (1) A total of \$6 million shall be deposited into the state road fund of the state to be expended  
18 for maintenance, contract paving, and secondary road maintenance purposes;

19 (2) A total of \$1 million shall be deposited into the Department of Human Services Medical  
20 Services Fund established pursuant to section two, article four, chapter nine of this code to be  
21 expended for the state's Title XIX Aged and Disabled Waiver program;

22 (3) A total of \$1 million shall be deposited into the West Virginia Department of Health and  
23 Human Resources Division of Health General Administrative Fund established pursuant to

1 subsection (c) of this section to be expended for Health Right Free Clinics; and

2 (4) A total of \$1 million shall be deposited into the West Virginia Department of Health and  
3 Human Resources Division of Health General Administrative Fund established pursuant to  
4 subsection (c) of this section to be expended for the Substance Abuse Continuum of Care program.

5 (c) The West Virginia Department of Health and Human Resources Division of Health  
6 General Administrative Fund is hereby established in the State Treasury. The fund shall be  
7 administered by the Secretary of the West Virginia Department of Health and Human Resources and  
8 shall consist of all moneys made available for the administration of programs or other activities of  
9 the Department as established by law or as directed by the Legislature from any source, including,  
10 but not limited to, all gifts, grants, bequests, deposits or transfers from any source, any moneys that  
11 may be transferred, designated or appropriated to the fund by the Legislature, and all interest or other  
12 return earned from investment of the fund. Expenditures from the fund are not authorized from  
13 collections but are to be made only in accordance with appropriation by the Legislature and in  
14 accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment  
15 of the provisions set forth in article two, chapter eleven-b of this code. Any balance, including  
16 accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert  
17 to the General Revenue Fund but shall remain in the fund and be expended as provided by this  
18 subsection.

19 (d) Notwithstanding any provision of subsection (b), section ten of this article to the contrary,  
20 if a licensed racetrack's facility modernization account contains a balance in the fiscal year ending  
21 June 30, 2015, the unexpended balance from that fiscal year will be available for matching for two  
22 additional fiscal years, after which time, the remaining unused balance carried forward shall revert  
23 to the lottery fund.