

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2711

FISCAL  
NOTE

2015 Carryover

(BY DELEGATES MARCUM, R. PHILLIPS, RODIGHIERO,  
ELDRIDGE AND CAMPBELL)

[Introduced January 13, 2016; referred to the  
Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §29-22-9b, relating to the state lottery; providing for a scratch-off game to fund  
 3 a drug treatment facility on post-mine land in Mingo and Logan Counties; creating a  
 4 special fund within the State Treasury; authorizing the Legislature to appropriate the  
 5 special lottery funds to construct and operate the drug treatment facility on post-mine land  
 6 in Mingo and Logan Counties; requiring the lottery commission to change the design or  
 7 theme of game on a regular basis; requiring the health care authority to conduct a survey  
 8 to determine need for beds at the prospective drug treatment facility in Mingo and Logan  
 9 Counties; and requiring the authority to report its findings to the joint committee on  
 10 government and finance.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §29-22-9b, to read as follows:

**ARTICLE 22. MISCELLANEOUS BOARDS AND OFFICERS.**

**§29-22-9b. Say no to drugs instant lottery scratch-off game.**

1 (a) On or before September, 1, 2015, the commission shall establish an instant lottery  
 2 scratch-off game designated as the "Say No to Drugs" game, which shall be offered by the lottery.

3 (b) Notwithstanding the provisions of section eighteen of this article, and subject to the  
 4 provisions of subsection (d) of this section, all net profits received from the sale of "Say No to  
 5 Drugs" lottery tickets, materials and games shall be deposited with the State Treasurer into the  
 6 "Say No to Drugs" Lottery Fund created under this section.

7 (c) The Legislature may make appropriations from the "Say No to Drugs" Lottery Fund for  
 8 the construction and operation of an inpatient drug treatment facility in Mingo and Logan Counties,  
 9 which shall meet the following requirements:

- 10           (1) Be located on a reclaimed post mining site;
- 11           (2) House a jail for persons convicted of offenses related to substance abuse and  
12 sentenced to less than one year imprisonment;
- 13           (3) Provide long and short term substance abuse treatment; and
- 14           (4) Provide counseling and psychiatric services.
- 15           (d) There is hereby created in the State Treasury a Special Revenue Fund designated  
16 and known as the "Say No to Drugs" Fund which shall consist of all revenues derived from the  
17 "Say No to Drugs" game, any appropriations to the fund by the Legislature, and all interest earned  
18 from investment of the fund and any gifts, grants or contributions received by the fund.  
19 Revenues received by the "Say No to Drugs" Lottery Fund shall be deposited in the West  
20 Virginia consolidated investment pool with the West Virginia investment management board, with  
21 the interest income a proper credit to all such funds.
- 22           (e) The commission shall change the design or theme of the "Say No to Drugs" game  
23 regularly so that the game remains competitive with the other instant lottery scratch-off games  
24 offered by the commission. The tickets for the instant lottery game created in this section shall  
25 clearly state that the profits derived from the game are being used to benefit drug treatment efforts  
26 in this state.
- 27           (f) The health care authority created under section five, article twenty-nine-b, chapter  
28 sixteen of this code, shall conduct a survey to determine the number of beds needed for a drug  
29 treatment facility in Mingo County. The authority shall report its findings to the Joint Committee  
30 on Government and Finance by November 1, 2015.

NOTE: The purpose of this bill is to provide for a scratch-off game to fund a drug treatment facility in Mingo and Logan Counties; create a special fund within the State Treasury;

authorize the Legislature to appropriate the special lottery funds to construct and operate the drug treatment facility in Mingo and Logan Counties; require the lottery commission to change design or theme of game on a regular basis; require the health care authority to conduct a survey to determine need for beds at the prospective drug treatment facility; and require the authority to report its findings to the Joint Committee on Government and Finance.

This section is new; therefore, it has been completely underscored.